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Eleventh Legislative Assembly
# of the
Territory of Montana
House Journal

First day

House of Representatives
January 13th 1879.

The House met in pursuance of law and was called to order by A. H. Barret Chief Clerk of the Tenth Legislative Assembly.

The roll of members elect was called, when the following members appeared and answered to their names, to wit;

From Madison County
J. L. Boyer, E. H. Combs, W. W. Mead and [illegible] Hood,
From Jefferson County,
C. G. Brooke, Enoch Wilson
From Gallatin County,
W. L. Perkins, C. Edwards.
From Meagher County,
C. L. Harrington, J. T. Thorpe.
From Choteau County,
A. B. Hamilton
From Lewis and Clarke County
E. Beach, J. M. Sweeney, Granville Stewart, W. F. Sanders, George Steel, James Fergus,
From Deer Lodge County —
L. C. Robinson, S. B. Cornick, John F. Forbis, James McElroy, John Noyes,
From Missoula County. —
W. J. McCormick, J. A. Marion.
From Beaverhead County,
S. A. Barbour.

On motion of W. J. McCormick, the Hon. Henry N. Blake, Associate Justice of the Supreme Court was

First Day, continued

introduced and administered the Oath of Office to the members present.

On motion of W. J. McCormick, Granville Stuart was elected Speaker protem.

On motion of W. J. McCormick, W. H. Barret was elected Chief Clerk, protem,

On motion of Mr. Brooke, a Committee of Five, consisting of Brooke, Sanders, Forbis, Steel and Word, were appointed, on Credentials.

Mr Brooke, Chairman of Comt on Credentials reported as follows, to wit:

" Mr. Speaker,
"   Your Committee on Credentials, having
" discharged the duty imposed upon it by virtue
" of its appointment, begs leave respectfully to report
" That the following persons are entitled to seats
" in this Legislative Assembly, as members of the
" House of Representatives from the respective
" districts named, to wit:
" From the County of Madison
"   Joseph J. Boyer,
"   Edwin F. Combs,
"   Henry N. Meade.
"   Samuel Word.
" From the County of Beaverhead
"   Samuel A. Barbour
" From the County of Deer Lodge
"   William F. Boardman.
"   Samuel B. Herrick.
"   John F. Forbis,
"   James McElroy.
"   John Noyes.
"   John C. Robinson
" From the County of Missoula
"   Joseph E. Mason
"   Washington J. McCormick
" From the County of Lewis and Clarke
"   Elisur Beach.
"   James Fergus.
"   Wilbur F. Sanders

First Day, continued.

" Granville Stuart,
" George Steell
" John M. Sweeney.
" From the County of Jefferson
" Edward G. Brooke
" Enoch Wilson
" From the County of Gallatin
" Caldwell Edwards
" William S. Perkins
" From the County of Meagher,
" Curtis L. Harrington
" James T. Thorpe
" From the County of Choteau
" Alfred B. Hamilton.
" All of which is respectfully
" submitted,
" Signed E. G. Brooke
" John F. Forbis
" George Steell
" H. H. Mood
" W. F Sanders
" committee"

On motion of Mr. Harrington, the report was adopted,

On motion of Mr. McCormick, the House took a recess untill 2½ o'clock P. M.

2½ o'clock P. M.

The House resumed.

Mr. Speaker Pro tem in the chair,

Roll called, Members all present,

Mr. Robinson moved that the House proceed to elect their permanent officers, which motion was carried,

Mr. McCormick moved that the permanent Officers be elected by ballot.

On Motion of Mr Robinson, Messrs Cormick and Sweeney were appointed Tellers,

Nominations being in order, Mr. McCormick

First Day, cont'd

placed Mr Sam Word of Madison county in nomination for Speaker

Mr Steell nominated Mr W. F. Sanders of Lewis and Clarke,

The House then proceeded to ballot, and Mr Word received Nineteen votes, Mr Sanders received Five, and Mr. Robinson One vote.

Mr Word having received a majority of all the votes cast he was declared elected Speaker.

On motion W. F. Sanders and W. J. McCormick were appointed to escort the Speaker elect to the chair, which duty was performed,

On motion of W. J. McCormick, the rule was suspended and Wm Hardenbrook was elected Sergeant at arms and Door Keeper by acclamation,

On motion of Mr. McCormick the rule was suspended, and J. E. Kanouse was declared elected Chief Clerk by acclamation

Nominations for Engrossing and Enrolling Clerk being in order Mr Sanders nominated Geo. D. C. Hibbs, Mr Robinson nominated J. W. Kemper of Deer Lodge,

There being no other nominations the the House then proceeded to ballot which resulted as follows:-

Mr Hibbs received Three votes, Mr Kemper received Twenty Two votes and was declared duly elected Engrossing and Enrolling Clerk,

On motion of Mr Robinson the rule was suspended and Master Bennie Roberts was elected Page by acclamation,

Nominations being in order for Fireman Mr Robinson nominated Mr John R. Quirk, Mr Sanders nominated Mr Robert Casey.

There being no other nominations the House then proceeded to ballot which resulted as follows:-

For Mr. Jno R. Quirk, 19 votes

For Mr Robert Casey 6 votes.

Mr Quirk, having received a majority of

all the votes cast, was declared elected Fireman

Mr Robinson placed Mr. M. N. Gilbert in nomination for Chaplain.

And on Motion of Mr. Sweeney the rule was suspended and Mr. Gilbert was elected by acclamation.

On motion the following gentleman were appointed as a Committee on Rules of Order with the Speaker as Chairman, to wit:- Sanders, Robinson, Forbis and McCormick,

On Motion Messrs Mood and Fergus were appointed a committee to inform Mr. Gilbert of his election as Chaplain of this House,

On motion of Mr. McCormick, the House adjourned to 10 o'clock tomorrow,

Samuel Word
Speaker of the House of Representatives,

A. H. Barret
Chief Clerk Pro tem

Second Day.

House of Representatives
January 14th 1879

The House met pursuant to adjournment, Mr. Speaker in the Chair

Roll called - quorum present,

Prayer by the Chaplain,

Journal of yesterday read and approved.

Mr. Sanders of Committee on Rules reported as follows:-

"Mr Speaker, - Your Committee on Rules, beg leave to recommend that, until further action be taken, the rules of government for the House during the last Legislative Assembly, be adopted as the rules of this House,

Respectfully submitted
Wm F. Sanders,
J. C. Robinson
John F. Forbis
[illegible] McCormick

Report was adopted,

Second Day, continued.

On motion of Mr Sanders a Committee of three was appointed to inform the Honorable Council that the House was organized and ready for business. Messrs Sanders, Hamilton and Cormick were appointed as such Committee,

On motion of Mr. Robinson, a Committee consisting of Messrs. Robinson, Brooke and Fergus, was appointed to wait upon the Governor and inform him of the organization of the House.

W. T. Boardman member elect from Deer Lodge County, appeared and was sworn in

Mr. Robinson reported as follows:—

"Mr. Speaker,

Your Committee appointed to wait on the Governor and inform him of the organization of this House, respectfully report;

That we have so waited upon his Excellency and were advised by him that as soon as the Council was organized he would communicate with the House

J. C. Robinson Chairman"

Report received.

Mr. Sanders reported as follows:—

"Mr Speaker

Your Committee appointed to inform the Honorable Council of the organization of the House respectfully reports— That it has discharged that duty. All of which is respectfully submitted,

Report received

On motion of Mr Sanders the House took a recess until 2½ o'clock P. M.

Second Day, continued.

2½ o'clock P.M.

The House resumed — Mr. Speaker in the chair, Roll called — Quorum present,

A Committee from the Council consisting of R. O. Hickman R. T. Kennon and F. C. Ives, presented the following communication,

"Mr. Speaker,

We are appointed as a Committee to inform your Honorable body, that the Council has organized by the election of the following officers, viz:

H. H. Mitchell — President
W. R. Comly — Chief Clerk
J. G. Smith — Serg't at Arms
Michael Kelly — Watchman
Waden E. Riddle — Enrolling & Engrossing Clk.
Richard Carr — Messenger
Rev. John Armstrong — Chaplain

And we are now ready to proceed with the business of the Session.

R. O. Hickman,
R. T. Kennon
F. C. Ives — "

Mr Robinson from Committee on Rules reported as follows: —

"Mr. Speaker

Your Committee on rules for the government of the House would respectfully report,

That we recommend the adoption of the rules adopted at the 10th Legislative Assembly, as the permanent rules of this Session.

Very respectfully
Sam. Word
J. C. Robinson
W. F. Sanders
John F. Forbis,
W. J. McCormick"

On motion of Mr Sanders the report was adopted.

Second Day, continued.

Notices were given as follows:-

By Mr. McCormick.

"Mr. Speaker

I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill for an act entitled, "An act to provide for the bonding of the floating debt, and for the refunding of the bonded debt of Missoula County, and for other purposes,"

By Mr. Brooke

"An act to tax Jury fees."

Mr. Sanders offered the following resolution

"Whereas, by the provisions of Chapter 329 of the Laws of the 2nd Session of the Forty Fifth Congress, approved June 19th 1878, pertaining to Government in the Territories, this Legislative Assembly finds itself confronted with Congressional Legislation which will greatly impair, if it does not wholly destroy the efficiency and usefulness of the Session, and

Whereas - we are informed that no sufficient appropriation, to pay the necessary expenses, justified by existing laws, of the United States, has been made, and are farther confronted by the question whether our session is valid by reason of the provisions of Section 1886 of the revised Statutes of the United States, and

Whereas - by the provisions of the Laws first above referred to, Attachees of the separate Houses, constituting the Assembly, have been abolished whose labors are absolutely essential to the usefulness of our action, and we are forbidden by Section 1855 of said revised Statutes, to pay moneys therefor from the Territorial Treasury, and which we ought not to be required to do,

Second Day continued

Now therefore Be it Resolved – By the Legislative Assembly of the Territory of Montana (the Council concurring) that the two Houses of the Legislative Assembly will adjourn at 12 o'clock at noon of Jan'y 18th 1879, without day."

On motion of Mr. McCormick the above Resolution was made the special Order for 10 o'clock tomorrow morning.

The following message was received from the Council viz: —

"Council Chamber
Jan, 14th 1879,

Mr. Speaker,

I am directed by the Council to inform your honorable body, That the following resolution has passed the Council,

'Resolved – by the Council, the House concurring, that a committee of three from each body be appointed on joint rules.'

That in compliance with said resolution, Mr. President appointed Messrs Hayes Hyde and Sedman such Committee on the part of the Council,

Respectfully
Harry R. Comly,
Chief Clerk,"

Resolution concurred in and

On motion of Mr Robinson, a committee consisting of Messrs Robinson, Sanders & Forbis, was appointed on joint Rules for the Government of the two Houses.

The following communications were received from the Governor.

The Territory of Montana
Executive Department
Helena M. T. Jan'y 13th 1879

To the Legislative Assembly,

Henry N. Hoover, Esq. of Helena is appointed Private Secty to the Governor, and I ask

Second Day concluded.

that he be respected accordingly.

Respectfully
B. F. Potts."

Also the
Fourth Biennial Message
of the
Governor of Montana.
To the
Legislative Assembly of Montana Territory
Eleventh Session, 1879

On motion of Mr Sanders the Governors message was made the Special Order for 11 o'clock A. M. ~~tomorrow~~,

Mr McCormick introduced the following:
"Resolved by the House of Representatives that the Honorable Jas. H. Mills, Secretary of the Territory be respectfully requested to furnish to this House, at the earliest moment consistent with the public good, an official Statement, showing the amount of money expended during the tenth session of the Legislative Assembly for the necessary printing of the session, and the amount of money now under his control, and available for printing purposes.
McCormick

The resolution was adopted and Clerk instructed to transmit a copy to the Secty.

On motion of Mr Robinson the House adjourned to 10 o'clock A. M. tomorrow.

Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representative

Third Day.

House of Representatives

Jany 15th 1879.

House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called — Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced the following standing Committees.

Committee on Ways and Means
Messrs. McCormick, Sweeney, Mood, Steele, Edwards.

Committee on Judiciary
Messrs. Robinson McCormick, Sanders Forbis, Boardman.

Committee on Territorial Affairs
Messrs. Sweeney, Marian, Barbour, Boyer, Fergus.

Committee on Internal Improvements
Messrs. Sanders, Brooke, Hamilton, Coombs, McCormick.

Committee on Roads and Highways
Messrs. Wilson Noyes, Beach.

Committee Public Lands
Marian, Harrington, Stuart.

Committee on Grazing and Stockgrowing
Brooke, Perkins, Thorpe, Boyer, Fergus.

Committee on Federal Relations
Stuart McElroy, Barbour, Edwards, Coombs.

Committee on Education and Labor
Thorpe, Hamilton and Boardman.

~~Committee on Towns & Counties~~
Forbis, Beach, Mood, Steele, Wilson.

——— Committee on Military Affairs, Messrs Perkins, Sanders, Noyes.

——— Committee on Incorporations Messrs Robinson Barbour, Stuart,

——— Committee on Agriculture & Manufactures Messrs. Mood, Cornick. Edwards,

——— Committee on Elections Messrs Beach, Harrington, Brooke, Coombs, Steell,

——— Committee on Indian Affairs, Messrs Hamilton, Marian, Perkins Boyer, Fergus,

——— Committee on Mines & Minerals Messrs Barbour, McElroy, Cornick, Wilson Boyer,

——— Committee on Engrossment, Messrs Harrington Hamilton and Boardman,

——— Committee on Enrollment Messrs Forbis, Marian, Thorpe,

——— Committee on Printing, Messrs Harrington Perkins Boyer

——— Committee on Rules Messrs Robinson Sanders Forbis, W. J. McCormick

The hour of 10 o'clock A.M. having arrived, Mr. Sanders moved to defer the consideration of H. C. R. No. 1 — the Special Order for that hour — to 11 o'clock A.M.

Mr Sweeney moved to amend by deferring to 2 o'clock P.M. of Sat, Jany 18th 1879 The ayes & noes being called, the amendment was lost by the following vote;—

Ayes — Beach, Boyer Edwards Harrington Marian, McElroy, Mood, Perkins Sweeney Wilson Mr Speaker — 12

Noes— Barbour, Boardman, Brooke, Combs, Cornick, Fergus, Forbis, Hamilton, McCormick, Noyes, Robinson, Sanders, Steell, Stuart, — 14

The question recurring on the motion by Mr. Sanders, to defer to 11 o'clock A.M. was lost by the following vote— Ayes, — 13, Noes — 13.

Mr Hamilton moved to lay the Resolution on the Table, which motion was lost by the following vote:— Ayes— Boyer, Forbis, Hamilton, Marian, McElroy, Mood, Perkins, Robinson, Stuart, Sweeney, Thorpe, Wilson, and Mr Speaker— 13, Noes— Barbour, Beach, Boardman, Brooke, Coombs, Cornick, Edwards Fergus, Harrington McCormick, Noyes, Sanders, Steell, — 13,

On motion of Mr McCormick the further consideration of the Resolution was deferred until 10.15 A.M. Jan. 16th 1879.

The following communication was received:

Office of the Secretary of M. T.
Helena, Montana, Jany 14th 1879

To the Speaker and Members of the
House of Representatives of Montana,

Gentlemen, I have the honor to acknowledge receipt of your Resolution of this date asking an official statement showing the amount of money expended during the Tenth Session of the Legislative Assembly for the necessary printing of the Session and the amount of money now under my control and available for printing purposes.

The amount audited and allowed by the Honorable First Comptroller of the United States Treasury for the Printing of the Tenth Legislative Assembly of Montana was as follows—

For incidental Printing - - - - - - - - - - - - -	$1.126.02
For printing House Journals - - - - - - - - - - -	1.243.09
For printing Council Journals - - - - - - - - - -	1.038.99
For printing Laws - - - - - - - - - - - - - - - -	3183.33
Total Printing allowance for Tenth Session	$6491.43

The following clause from the Act of Congress approved June 19th 1878, relating to "Government in the Territories" establishes the maximum amount that can be expended by me

Third Day Continued

the printing of the present Session. Viz-"And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year"

I am very Respectfully
Your Obedient Servant
James H Mills
Secretary.

Also the following

To the Speaker and Members of the House of Representatives. Montana Legislature. Eleventh Session

Having learned that the appropriation made by Congress for Printing and other incidental expenses is insufficient and that the Legislature is unable to proceed without some provision being made therefor we herewith submit our proposition to relieve the Territory from all responsibility in the matter by doing the Bill and other incidental printing not provided for by appropriation or law. and to look to the Congress of the United States for pay therefor

Very Respectfully Yr obdt Servt
Kerley McQuaid and Lacroix
Pubs "Independent"
Helena Montana
January 15th 1879

By unanimous consent of the House Mr Sanders introduced H.J.R. No 1. which was read 1st and second time and on motion of Mr Robison was refered to the Judiciary Committee

The consideration of the Governor's Message being the Special Order for 11 O'clock and that hour having arrived the House went into Committee of the Whole. Mr McCormick in the Chair Mr Clerk proceeded to read the Message as follows.

Third Day Continued

15

[illegible]ESSAGE

[illegible] THE

Gover[illegible] of Montana.

Fellow Ci[illegible] *Council and House of* [illegible]

[illegible]fully upon the duties [illegible] legi[illegible] t[illegible]session, I invite your attention [illegible]ncial and general condition [illegible] Territory.

Ab[illegible]assessment by Counties for 1877 a[illegible] 1878, [illegible] increase of assessment of 1878 over 1877.

Counties.	1878	1877	Increase over 1877.
Beaverhead	$977,990 00	$ 843,182	$ 134,808 00
Choteau	606,722 00	545,850	60 872 00
Custer	329,321 02	236,435	92,796 02
Deer Lodge	[illegible],508,958 00	1,946,044	562,914 00
Gallatin	1,386,340 00	1,190,060	196,280 00
Jefferson	755,663 15	664,901	90,762 15
Lewis & Clarke	2,916,275 00	2,787,540	128,785 00
Madison	1,790,662 00	1,631,010	159,652 00
Meagher	891,998 28	786,081	105,917 28
Missoula	657,189 00	596,771	60,418 00
Totals	$12,777,028 45	$11,196,874	$1,580,154 45

Net increase in assessment of 1878 over 1877 ...... $1,580,154.45

Number and value of stock assessed for 1878

Animals	Number	Value
Horses	37,748	$1,289,656 00
Mules and asses	1,666	118,407 00
Sheep	107,261	292 690 50
Cattle, unclassified, all ages	214,551	2,421,761 00
Hogs	6,461	32,907 00
Total		$4,155,421 50

REVENUE.

Receipts of revenue by counties for 1877 and 1878.

Re[illegible] re[illegible]	1877.	1878	Increase.	Decrease
Beaverhead	$2,851 76	$3,279 20	$427 44	
Choteau	2,097 62	2,768 83	671 21	
Custer	120 00	2,302 65	2,182 65	
Deer Lodge	12,090 03	15,340 10	3,250 07	
Gallatin	4,538 93	5,336 94	798 01	
Jefferson	2,780 21	2 745 40		34 81
Lewis and Clarke	15,899 49	16,042 37	642 88	
Madison	7,521 19	7,781 66	260 47	
Meagher	2,913 69	3,400 56	486 87	
Missoula	2,554 00	2,954 98	400 98	
Totals	$52,866 92	$61,952 69	$9,120 59	34 81

Net increase for 1878	$ 9,085 77
Receipts from all other sources for 1878	2 667 18
Receipts from all sources	64,619 87
Receipts from proceeds of warrants sold by Governor and Auditor for expenses of Penitentiary and Insane Asylum	20,364 35
	$84,984 22

[illegible]ties of the Territory, December 31, 1878.

[illegible]nts outstanding not [illegible]sed,	$ 13,905 47	
[illegible] on same to Jan. 1, 79.	344 00	
[illegible]lled for payment.	2,241 52	
[illegible]n the same.	138 06	
Te[illegible] cent. bonds outstanding not advertised	74,000 00	
[illegible] cent bonds called for [illegible]ption.	11,500 00	
Inter[illegible] on bonds to January 1, [illegible]	4,275 00	
[illegible] of deceased persons unclaimed by heirs	855 18	
Total liabilities		$107,259 30

Assets of the Territory.

By balance in Warrant Fund.	$ 2,838 59	
do. Forty per cent. do.	6,232 11	
do Penitentiary fund.	14 00	
do. Sinking fund	11,500 00	
do. Ter. School Fund.	424 41	
do due from ex-Treasurer W. G. Edwards, of Missoula Co., $1,22,82, less 10 per cent. District Attorney's fees for collection	900 00	
Total Assets	$ 19,869 20	
Net registered indebtedness	87,390 10	
		$107,259 30
Total registered debt, January 1, 1878		107,496 88
do do do 1, 1879		87,390 10
Decrease of debt for the year 1878		$20,106 78

Total Indebtedness of the Several Counties of Montana Territory, March 1, 1877, showing Increase or Decrease as compared with the Year ending March 1, 1876.

Counties.	Total Indebtedness, March 1, '77	Total Indebtedness, March 1, '76	Increase.	Decrease.
Beaverhead,	$20,113 38	$4,267 88	$15,845 50	....
Choteau	3,225 05	5,842 21	....	$2,617 16
Custer	....	....	....	....
Deer Lodge	47,174 97	51,619 07	....	4,444 10
Gallatin	42,154 99	51,407 38	....	9,252 39
Jefferson	53,740 12	55 298 41	....	1,558 29
Lewis and Clarke	137,179 73	136,747 54	432 19	....
Madison	82,301 91	60,460 61	21,841 30	....
Meagher	34,070 00	34,419 24	....	349 29
Missoula	101,164 90	92,136 39	9,028 51	....
Totals	$521,196 05	$493,198 73	$47,147 50	$18,216 18

Net increase of indebtedness from March 1, 1876, to March 1, 1877 ...... $28,931 82

Total Indebtedness of the Several Counties of Montana Territory, March 1, 1878, Showing the Increase or Decrease as Compared with the year Ending March 1, 1877.

Counties.	Total indebtedness March 1, '78	Total indebtedness March 1, '77	Increase over 1877.	Decrease from 1877.
Beaveahead	$23,8,1 30	$20,153 38	$3,747 92	....
Choteau	4,121 11	3,225 05	896 06	....
Custer	....	....	....	....
Deer Lodge	45,317 35	47 174 97	....	$1,857 62
Gallatin	33,270 27	42,154 99	....	8,884 72
Jefferson	54,167 76	53,740 12	427 64	....
Lewis & Clarke	116,075 29	137,179 73	....	21,104 44
Madison	82 414 67	82,301 91	112 76	....
Meagher	33 487 66	34,070 90	....	582 84
Missoula	101,862 00	101,364 90	497 10	....
Totals	$494,577 41	$521,325 05	$5,081 48	$32,429 12

Net decrease of indebtedness from March 1, '77 to March 1, '78, $26,747 64
Total indebtedness of the several counties March 1, 1878, $494,577 41.

The law in relation to listing property for taxation should be amended, requiring County Assessors to call upon every citizen to list his property for taxation, and if he claims to have none, either on his own account or for others, subject to taxation, he should be required by the Assessor, under a severe penalty, to make oath to the truth of his statement, and the same should be returned by the Assessor with his property lists to the County Clerk. And if any person whose duty it is to list property or make a return thereof for taxation, shall make a false return or statement, or shall evade making a return or statement, the County Assessor should be required to ascertain as near as practicable the true amount of personal property, moneys on hand or on deposit in banks, in stocks, joint stock companies or otherwise, credits and investments that such person ought to have returned or listed, to which amount he should add fifty per centum and place the same on the tax lists, and the inquiry should go back as far as the same can be traced, not exceeding five years next prior to the year in which the inquiry is made. And if the County Clerk shall have reason to believe or be informed that any person has given to the Assessor a false statement of the property, moneys on hand or on deposit in banks, or credits, investments in bonds, stocks, joint stock companies or otherwise, or that the assessor has not returned the full amount required to be listed, or has omitted or made an erroneous return of any property, moneys on hand or on deposit in bank, or otherwise, which are by law subject to taxation, should be required to proceed at any time before final settlement with the County Treasurer to correct the return of the Assessor, and to charge such person on the duplicate with the proper amount of taxes; to enable him to do which he should be authorized and empowered to issue a compulsory process and require the attendance of any person or persons whom he may suppose to have a knowledge of the articles or value of the property, moneys on hand or on deposit in banks, credits, investments in stocks, joint stock companies, or otherwise, and examine such person or persons on oath in relation to such statement or return. And the Clerk should, in all such cases, notify every such person before making the entry on the tax list and duplicate, that he may have an opportunity to show that his statement or return of the Assessor was correct; and the Clerk should be required to file in his office a statement of the facts or evidence upon which he made such correction. In all cases in which a person has made a false statement of the amount of property for taxation to evade the payment of taxes in whole or in part, the person making such false statement should be liable for and pay all costs and expenses that may be incurred, and if not paid should be collected before any court having jurisdiction by suit in the name of the County Commissioners; but in case the statement is found correct and no intention to evade the payment of taxes, the costs and expenses incurred should be paid out of the county treasury, on the order of the County Commissioners. And in case a person refuse to appear and testify before the County Clerk, he should be authorized to apply to the Probate Judge of the county to issue a subpœna for the appearance of such person before him; and if the person so summoned should fail to appear, or appear and refuse to testify, he should be subject to the penalties for contempt, as witnesses in actions pending in the Probate Court.

The law in relation to County Assessors should be amended by which the Assessor, with the approval of the Board of County Commissioners, should be authorized to appoint a deputy to act for him in case of sickness, unavoidable absence, or other cause.

Your attention is earnestly invited to the condition of the laws for the assessment and collection of taxes. In view of the necessity of a high rate of [illegible] appears just and necessary to all classes that property of every kind and description, save public property, should be placed on the tax list, and the license for the sale of wine, liquors, tobacco and cigars should be increased. I think that at least one-half of the expenses incurred in the enforcement of the criminal laws and the punishment of criminals may be attributed to the sale of intoxicating liquors, and while that traffic is not prohibited, it should be compelled to contribute to the public revenue in proportion to the expenses it compels the public to incur.

Experience clearly suggests the wisdom of throwing more safeguards around the public moneys, and to effect this purpose I recommend such legislation as will compel County Treasurers to keep all moneys collected by them from all sources in a fire and burglar proof safe in their respective offices, and under no circumstances be permitted to deposit any of the public money in banks or with private individuals, or loan the same to any person or persons, company or corporation, or use the same for his own private benefit, or the private benefit of any other person or persons, company or corporation or invest, or use the same in any other way than to safely keep the same in the county treasury until paid out according to law. And should he refuse to keep the money in the county treasury or fail to pay out the money according to law, he should be deemed guilty of embezzlement and punished by imprisonment in the penitentiary; and the County Commissioners should be authorized upon ascertaining that the County Treasurer is guilty of embezzlement to suspend such Treasurer from the performance of the duties of his office, and appoint another to perform the duties of the same; and they should be compelled to arrest and prosecute the Treasurer charged with embezzlement, and should said Treasurer be acquitted of the crime by a court of competent jurisdiction, he should at once be restored to the possession of his office.

If officers are permitted to deposit the public funds in banks or with private individuals, with or without interest, it will be a temptation to them to use the same for private purposes. The bank failures in the Territory during the past year does not argue favorably to a continuance of the present system of depositing the public moneys in banks.

The County Commissioners should, at their annual March session, when the statement of the county indebtedness is made, be required to make out a full and detailed statement, showing the amount received into the Treasury during the preceding year, and from what source; and the amount paid out during the same period, and for what purpose paid out; the amount of county warrants issued, and to whom and on what account. The statement should exhibit in detail the transactions of the Board of County Commissioners, and should be signed by the Board and the Treasurer of the County, and be filed in the office of the Clerk of the District Court of the County, on or before the second Monday of March annually, and the court should be required at its next term to appoint some competent person to examine said statement and report at its next term whether the [illegible] is in all respects correct and in accordance with law, and what items, if any, are illegal, exorbitant or unreasonable in amount; and the person so appointed should have authority to examine the books, papers, vouchers and accounts of the Treasurer's office, and the record of the proceedings of the County Commissioners; to swear and examine witnesses under oath, and to examine into and report upon all matters contained in the settlement exhibit of the County Commissioners and Treasurer. In case the exhibit of settlement shows any violation of law by any county officer, the [illegible] should be required to order the District Attorney to prosecute such officer according to law. A supervisory authority of this character will, I think, insure more vigilance and care on the part of county officers in the discharge of their official duties.

Third Day Continued

The reduction of fees and salaries of district and county officers should receive your early attention. More of the people's money has been squandered in exorbitant fees of county officers than would cancel the present indebtedness of every county. It is unreasonable to assert that it is necessary to continue the present scale of fees in order to secure competent officers. The compensation of the members of the Legislative Assembly is now but one-fourth what it was seven years ago, and who will insist that the present Legislature is not the equal, or the superior, of its predecessors. The act of the last session, consolidating offices in the small counties, should have been general, including in its provisions all the counties, and the fees heretofore allowed reduced at least fifty per cent. Deer Lodge County paid three thousand, two hundred dollars in currency—not in depreciated warrants—for assessing that county in 1876; and Lewis and Clarke County paid two thousand, eight hundred and ninety-five dollars and seventy-five cents to her Assessor the same year. It cannot be claimed that the duties required of these officers occupied more than five months out of the twelve of their time, and yet they each receive more compensation than the Jubges or any other officer of the United States serving in Montana. I do not complain of the salaries paid by the general Government, but it is but justice to the tax-ridden people of the Territory to complain that county officers receive exorbitant compensation. The allowance of fifty cents per mile for the transportation of convicts from the place of conviction to the penitentiary is excessive, and should be reduced at least one half; and the amount paid Sheriffs per diem for board of persons confined in jails is largely in excess of charges for board at first class boarding houses The amount paid by counties in the States for such board is fifty cents per day; and the compensation paid the United States for keeping our Territorial convicts is but one dollar per day, and yet the counties of Montana are required to pay from one and one-half to two and one-half dollars per day.

The fees of the Clerks of the District and Probate Courts, and in fact of every county officer, are excessively high and should be reduced. High fees have caused and will continue the present heavy burden of taxation that is weighing down our people, paralyzing their energies, and checking the growth of the vital business interests of the Territory. The law-making power of the Territory is responsible for the indebtedness that now rests so heavily upon the people. It will require but little reflection to convince any one that had the Legislature of 1871 reduced fees and salaries and inaugurated such reforms as were necessary and apparent, the Territory and the several counties would not to-day require a levy of from two to three per cent. upon the property of the people to pay interest on the debt that a want of proper and necessary legislation has has created.

The bonded indebtedness of the Territory bears interest at the rate of ten per cent. per annum, payable semi-annually. The amount has been reduced to seventy-four thousand dollars ($74,000.) I have secured a written proposition from N. S. Vestel, Esq., of Helena, to take the entire indebtedness of the Territory *at six per cent.*, free from Territorial or county taxation, or eight per cent. without exemption from taxation. I recommend that the six per cent. proposition be accepted, and that the bonds become due and payable in ten years, and payable at the option of the Territory after seven years. The present outstanding bonds are not taxed because they are not held in the Territory; therefore we will not [illegible] by making the new bonds taxable. It is very gratifying to be able to present so favorable an exhibit of the credit and financial condition of the Territory, when it will be remembered that less than seven years ago the Territory was paying fifteen per cent. per annum on her entire bonded indebtedness. Territorial warrants sold at par on the first day of November last, for the first time in the history of the Territory, and on the first day of the present month they sold at 1½ per cent. premium.

The taxes due the Territory, quarterly, from the several counties are not promptly paid by some of the County Treasurers, although the law provides that the money shall be transmitted forthwith to the Territorial Treasurer. A penalty should be provided for the neglect to transmit the money due the Territory forthwith, after the Board of County Commissioners ascertains the amount due. The dereliction of these officers forces the conclusion that the money is retained for private purposes, while the Territory is compelled to pay interest on its indebtedness, which the *money due from the County Treasurers* would cancel.

County Treasurers are now authorized by law to receive from tax payers one-fourth of their county tax in warrants issued by the county. It is claimed that County Treasurers may return in county warrants one-fourth of all the county tax collected by them, and obtain credit for the same in their settlements with the County Commissioners, whether the same were paid by tax payers or not. Fairness to holders of county warrants appears to demand that the law be so amended as to require the Board of County Commissioners to reject all county warrants returned by the Treasurer unless the same were received for taxes and the name of the taxpayer and the amount of his taxes be endorsed on the warrant so returned, by the Treasurer.

The contract for keeping and maintaining the Territorial convicts in the United States Penitentiary at Deer Lodge will expire on the first day of August next. The contract cannot be renewed without additional legislation. The Penitentiary is well managed and the convicts humanely treated. Your attention is invited to the want of accommodations for a larger number of convicts than are now confined. If the number of convicts increases in the same proportion the present year as they increased last year the present prison building will be entirely inadequate, and you should make provisions for them elsewhere. The number of convicts confined under the said contract on the first day of the present month was thirty-four. The number of pardons granted since the adjournment of your predecessors, and the reasons therefor, will be submitted to you at an early day of the session.

In compliance with the law in relation to the indigent insane, I advertised for bids for their care and maintenance, and the lowest bid received was eight dollars and fifty cents per week per capita. I rejected all bids and contracted in the name of the Territory, with Dr. A. H. Mitchell, of the Warm Springs Asylum, Deer Lodge county, at eight dollars per week per capita. I exacted a bond from the contractor in the sum of ten thousand dollars, for the faithful performance of the contract, and limited the contract to March 1, 1879. Forty-three (43) insane persons and one (1) idotic person have been admitted to the asylum under the contract; nine (9) have been discharged, cured, four have been sent to friends in the States since February, A. D. 1877, and thirty-two were still confined in the asylum on the first day of January, 1879.

I have visited the asylum twice, and from personal inspection of the same I am satisfied that the institution is well managed and the inmates kindly treated. The rooms are commodious, the bedding clean and comfortable and the clothing furnished each inmate warm and tidy. The law should be amended so as to auhorize the selection of a reputable physician to visit the asylum and examine each inmate twice each year, and report to the Governor the condition of the inmates, the character of their treatment, and the names of such as should be discharged, and such recommendations as to the medical treatment of the inmates and their general management as he may deem proper.

I commend to your favorable consideration the report of the Superintendent of Public Instruction, which is herewith transmitted. It exhibits the rapid advancement made in the cause of education throughout tee Territory during the last two years.

The lively interest manifested by all classes of citizens in our benificent system of free schools, is well calculated to gratify every friend of popular education. The highest duty of a law maker in a free government is to provide for the education of every child in the commonwealth and to secure for the system of free schools the fostering care of the government. The system of education is founded upon the principle that embraces with equal attention the children of the poor and the rich. All races and colors should be recipients of the beneficence of the system. In a country where universal suffrage is the birthright of every citizen, it is necessary for him to possess learning sufficient to enable him to become acquainted with his own rights and his rulers' duties, his duty to his Creator, his neighbor and himself.

Many of the best scholars and philosophers, and statesmen of the land, who have been applauded by all Christendom for their learning [illegible], in both public and private [illegible], young, poor and [illegible] of property, yet, through their own exertions, aided by the system of free schools in the older States, were enabled to raise themselves from the lowest circumstances to the heights of fame and usefulness. *Let the common* school system of Montana be universal in its blessings, that no child may be denied its benefits. I cheerfully approve the recommendations of the Superintendent, and ask for them your favorable consideration.

Section two of the election law provides that no person convicted of treason, felony or bribery, unless restored to civil rights, shall be permitted to vote at any election in the Territory. As no officer appears to be clothed with the authority to restore persons convicted of felony to their civil rights, some legislation is demanded at your hands, conferring authority to restore persons to their civil rights who have *forfeited the same* by the commission of crime. A person convicted of a felony should not, in my opinion, be restored to civil rights except for meritorious character as a citizen before conviction, and good conduct during confinement in prison.

The Probate act of the last session provides that the money arising from the sale of the property of the estates of deceased persons, unclaimed by legal heirs for a certain period, shall be paid by the court settling the estate, to the Territorial Treasurer, to the credit of the general school fund. This provision is not in harmony with our laws, as no general school fund is provided for by the laws of the Territory, and the Territorial Treasurer has been compelled to retain in the Treasury, the money he has received from the estates of deceased persons for the want of authority to pay the same on the general indebtedness, or to transfer the same, *pro rata*, to the several counties for the benefit of the public schools. As legal heirs may be discovered and claim the moneys so paid into the Territorial Treasury, such moneys should be transferred to the general fund; for in case the moneys were claimed it could only be paid by a warrant on the general fund; the moneys therefore should be placed to the credit of that fund.

The expenses incurred in the trial of persons charged with felony, if conviction is had, should be paid out of the Territorial Treasury instead of by the county in which the felony was committed. The Territory at large is interested in the conviction and punishment of persons guilty of felony, no matter in what county of the Territory the crime is committed. This rule of law obtains in the States and should be enacted here.

The law does not appear to be clear that the District Attorneys are required to appear for the Territory in actions brought by or against Territorial officers. As these officers are paid an annual salary from the Territorial Treasury, they should be required as a part of their official duty, to appear and defend in all actions brought against Territorial officers in their official capacity; and prosecute all cases brought by the Territory, and their salary should be in full for percentage on all moneys collected for the Territory, by suit or otherwise.

I think the moral sentiment of the people of the Territory demands the enactment of a law requiring the observance of the Sabbath day, as a day of rest. No act of the Legislature will add more to our moral standing as a people than prohibiting common labor on the Sabbath day. This subject was so important as to draw from the lamented Lincoln, when President, in 1862, the following words addressed to the army and navy: "The President, Commander-in-Chief of army and navy, desires and enjoins the orderly observance of the Sabbath day by the officers and men in the military and naval service. The importance of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people and a due regard for the Divine will, demand that Sunday labor in the army and navy be reduced to the measure of strict necessity. The discipline and character of the national forces should not suffer, nor the cause they defend be imperilled by the profanation of the day or name of the *Most High.*" *The first general order issued by the "father of his country,"* after the Declaration of Independence, indicates the spirit in which our institutions were founded, and should ever be defended: "The General hopes and trusts that every officer and man will endeavor to live and act as becomes Christian soldiers, defending [illegible] rights and liberties of their country." I earnestly commend this subject to your favorable consideration, and trust you will not hesitate to place Montana on a moral level with the States and Territories that have long since enacted such a law.

Third Day Continued

From November 20, A. D., 1867, to [illegible], the law required that jury fees should be taxed by the court against the [illegible] party in each civil action tri[illegible]. This law was so just and neces[illegible] repeal in direct terms was neve[illegible], but it disappeared from the sta[illegible] the "Codified Laws" took effe[illegible] omission your predecessors have [illegible] supply, but the justice of re-ena[illegible] law is so apparent that I confide[illegible] that you will not omit to restore [illegible] act omitted from the "Codified Laws." That the several counties should be re[illegible] to pay the expense of juries in civil cases in which the people have no interest, is so manifestly unjust that I cannot understand why it was omitted from the "Codified Laws," or the reason your predecessors failed to restore the law when its omission was discovered.

The recent action of Congress reducing the representation in both branches of the Legislative Assembly will necessitate the reapportionment of the Territory for legislative purposes.

Since the adjournment of your predecessors, upon the application of the people of Custer county, I appointed a Board of County Commissioners for said county, and they at once organized the county by the appointment of the necessary officers to serve until the general election in 1878. The county government has been in successful operation since its organization and a full set of officers were elected by the people at the November election.

It is respectfully recommended that a law be enacted to regulate the running of stage coaches, and provide for the safety of stage passengers. The driver of a stage coach or stage wagon used for the conveyance of passengers, for hire or reward, should be prohibited from leaving the horses attached to such stage coach or wagon, while passengers remain in the same, without first making his horses fast with a sufficient halter, rope, or chain, or by placing the reins in the hands of some suitable person to prevent their running; and the owner of every stage coach for the conveyance of passengers in the night time, for hire or reward, should be compelled to have affixed to the same, in the usual manner, two good and sufficient lamps, and the driver should not be permitted to drive such stage coach at night time, when the road or track cannot be distinctly seen; without having lighted up said lamps and continuing them lighted during the night; and such other legislation as will add to the safety of passenger travel on coaches.

The law authorizing only certain designated officers to administer oaths to persons appointed or elected to office, works great inconvenience and as it serves no good purpose it should be repealed, so as to authorize oaths of office to be administered by any officer authorized to administer oaths for general purposes.

The following views, presented in my third biennial message, are reproduced and your attention is respectfully invited to the same:

"The eleventh cause of challenge to a juror in criminal causes should be amended so that when the juror says he has formed or expressed an opinion as to the guilt or innocence of the accused, the Court should be required to examine him under oath as to the grounds of such opinion and if it has been founded upon reading newspaper statements, comments, or reports, or upon rumor or hearsay and not upon conversation with witnesses of the transaction, or reading reports of their testimony, or hearing them testify; and if the juror shall say on his oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence; and if the Court be satisfied that the juror is impartial and will render such a verdict, it may admit such juror as competent to serve in such case. It will greatly reduce the expenses of jury trials if you will reduce the number of peremptory challenges of jurors in both civil and criminal cases, and I believe no in[illegible] will result to litigants.

The cattle interest of [illegible] become so important [illegible] such recognition [illegible] importance demand[illegible] that has recently ap[illegible] should be [illegible] commission [illegible] covered [illegible] herds, if possi[illegible] suggested that those [illegible] the Territory should be [illegible] their herds branded w[illegible] among cattle men as a [illegible] cattle may be di[illegible] on the range thro[illegible] herd may pass. [illegible] branding cattle belo[illegible] been carried on [illegible] to appear to require [illegible] legislation for the pro[illegible] upying the common range; and [illegible] of affording cattle owners fur[illegible] protection for their property is respectfully commended to your careful consideration.

To enable the Secretary of the Territory to certify to the official character of County officers, the certificate of the County Board of Canvassers should be filed in the Secretary's office and each officer should be commissioned by the Governor and a record of the same made by the Secretary in his office.

The operation of the Attachment Law works great injustice to the debtor class, because of the summary manner in which it may be invoked. No attachment should be issued against the property of a citizen without an affidavit of the plaintiff being first filed, setting forth the existance of some one of the following grounds: That the [illegible] the plaintiff is just the a[illegible] [illegible] recover; that the defendant is [illegible]ent of the County, or has [illegible] with the intent to defraud [illegible] has left the county of his [illegible] d the service of a summons, or [illegible] aled himself that a summons [illegible] rved on him, or is about to re[illegible] property out of the county with i[illegible] defraud his creditors, or is about to [illegible] his property into money for the purpose of placing it beyond the reach of his creditors, or has rights in action which he conceals, or has fraudulently contracted the debt or incurred the obligation for which suit is about to be brought.

The rate of toll for grinding grain should be regulated by law, and the responsibility of mill owners for the safe-keeping of all grain received for the purpose of being ground should be fixed by law.

I submit to you the question whether any additional legislation is necessary to protect the persons and property of citizens from [illegible] riots, mobs, or any body of men acting together to commit a felony, or to do [illegible] violence, to break or thre[illegible] or resist the laws of the Territory, or where there is reasonable apprehension thereof.

I am assured that certain enterprising citizens [illegible] Territory will make the experiment of [illegible] artesian wells if the Territory or counties will afford some encouragement to the enterprise. I think, in view of the success of obtaining a large supply of water by means of artesian wells in California, that the subject is worthy of your favorable consideration.

The Indian situation in the Territory since the adjournment of your predecessors has been very unsatisfactory. The raids of the Nez Perces and Bannack Indians were very destructive of life and property, and has greatly discouraged immigration and investment of capital in the Territory. Nothing so much retards the settlement and growth of a country as continual trouble and depredations from Indians. Citizens are often driven from their homes in the midst of the busy season of harvest and the hard labor of a season lost, and they left, probably, penniless, to brave the cold and storms of our winters without food or shelter for themselves and families. The absence of any law of the Territory for the organization of the militia and the refusal of the War Department to sanction the employment of the same to assist the mere handful of United States troops against the hostile Nez Perces in 1877, left the Territorial authorities and the people helpless to protect those of our citizens who were so unfortunate as to be found in the section through which the hostiles passed. The pathetic appeal to the Executive from our citizens in exposed localities could only be answered by saying that the Territorial Government was powerless to render them any protection. No Government is entitled to the respect or support of the people that is incapable or unwilling to protect the lives and property of its citizens. In view of the experience of the past two years it appears to be the duty of the Legislature to place the people in a condition to defend themselves and property from Indian incursions. The most intelligent estimate made by the United States authorities, places the number of hostile Indians, with Sitting Bull's camp near the northern line of the Territory, at between fourteen and fifteen hundred lodges. Between this large and threatening force of hostile Indians, and our settlers in Choteau county, there is interposed one small company of United States soldiers. It is no longer wise for the people to look to the general government for sole protection from depredations by Indians. The people, capable of bearing arms, should be organized, drilled and disciplined, [illegible] for any emergency that may arise. [illegible] Indians have in the last ten years de[illegible] enough property for the people to [illegible]e paid the expenses of a well organized [illegible]tary force that would have punished the Indians and made the destruction [illegible]e and property improbable, if not impossible.

The present situation of this Territory appears to warrant the consolidation of the two Military Districts into a Department, and the public sentiment of the people points with entire unanimity to Brevet Major General Nelson A. Miles, Colonel of the 5th Infantry, as the proper officer to command the same. It may be unusual for the people of a Territory to ask the military authorities of the United States to assign a particular officer to command the troops serving temporarily in the Territory, but it is unusual for a Territory to be overrun by Indians every year for want of an able and energetic officer to command the troops serving therein. General Miles has shown himself to be an able and energetic officer, as his record of two years' service in the District of the Yellowstone clearly demonstrates. His assignment to command all the military forces in this Territory would reassure every border settler, and would encourage settlements in every locality heretofore regarded as dangerous, and in case he should ask assistance, our people would respond to his call and serve as gallantly as any troops. I respectfully recommend that the Legislature memorialize the President, asking the organization of Montana into a Department, and the assignment of General Miles to command the same.

The British government continues to afford an asylum for all the hostile Indians that may seek protection in her territory. The safety of our people requires that they should be removed far into the interior of that country. Their present location near the line makes them a standing menace to the peace and prosperity of this Territory.

I again urge upon the Legislative Assembly, the propriety of making a liberal appropriation to enable the collection, printing and distribution of matter descriptive of the resources and climate of Montana. I suggest that this work be entrusted to a board of officers composed of the Territorial Auditor, Territorial Treasurer and Territorial Superintendent of Public Instruction.

I respectfully urge that you memorialize Congress to continue the annual appropriation for improving the navigation of the Missouri river, and that the Yellowstone river be included in the appropriation.

Former Legislatures have failed to fix the fees of Clerk of the Supreme Court. This duty you should not omit to discharge at the present session.

The change made in the statute of limitations by the last Legislative Assembly was unwise, and was not demanded by the best interests of the people. I recommend that the former law on that subject be restored.

The law in relation to proceedings before Justices of the Peace should be amended by simplifying the rules of proceedings, and providing for a stay of execution for a reasonable period on all judgments rendered in justices courts, by the judgment debtor giving security on the docket for the payment of the judgment when the stay expires.

The Utah and Northern railroad is rapidly approaching the Territory, and assurances are given out that it will reach our border during the present year. Simultaneously with the completion of this road into Montana, will come a large influx of population and wealth, which will give a new impetus to our present industries, and inaugurate new ones that will add to our prosperity and wealth.

It is claimed with great plausibility by the projectors and builders of this road, that it is but due to their enterprise in building the road two hundred miles over a country that is of but little value, to reach Montana, that the road constructed in Montana should be exempt from taxation for a number of years.

While I have always held that it was not advisable for the people of the Territory to grant a money subsidy to railroad corporations, yet I believe that it is not only reasonable, but just, that you should exempt the Utah and Northern railroad from taxation for such a period as may appear just to the people of the Territory and the road.

We are yet limited in our ability to pay money subsidies to encourage enterprises for the benefit of the Territory, but we are rich in our ability to exempt great enterprises from taxation. The subject will, I have no doubt, be presented to you in practical form, and I trust you will give it a calm and impartial consideration, free from bias and prejudice, only keeping in view the rights of the people and the prosperity of the Territory.

In conclusion, accept the assurance of my hearty co-operation in the work of the session.

B. F. POTTS.

EXECUTIVE DEPATMENT,
HELENA, January 13, 1879.

Third Day Continued.

Upon motion of Mr Stuart further consideration of the Message was deferred until 2 Oclock P.M Thursday next.

On motion of Mr Harrington the House took a recess until 2 Oclock P.M.

2 Oclock P.M

House resumed.
Mr Speaker in the Chair
Roll called - Quorum present

Mr Robinson - Chairman of the Committee on Judiciary - reported as follows.

Mr Speaker.

Your committe on the Judiciary to which was referred H J R No 1. legalizing the organization of Custer County and the acts of the Officers of said county appointed by the Governor. beg leave to report ~~the~~ same back to the House with the recomendation that it do pass

J. C. Robinson
Chairman

The report was received and upon a call of the Ayes and Noes the resolution was passed by the following vote

Ayes- Barbour. Beach. Boardman. Boyer. Brooke
Cornick Combs. Edwards. Fergus. Forbis.
Hamilton. Harrington. Marian McCormick
McElroy. Mood. Noyes. Perkins. Robinson
Sanders Steell. Stuart. Sweeney. Thorp
Wilson. Mr Speaker - 26-

Noes- None

Title agreed to

Third Day Continued

Notices of the introduction of Bills were given as follows:-

By Mr Brooke
"An Act in relation to Notaries Public"

By Mr Boyer
"Round up and Estray Law"

By Mr Beach
"An Act to exempt Fireman from Jury duty"

Mr Robinson introduced the following Resolution

Resolved- That the Judiciary Committee of this House be and are hereby authorized to employ a Clerk to perform such services as said Committee may designate and for such compensation as this House may fix to be paid out of the Territorial Treasury-

Resolution adopted-

Mr Sanders- introduced the following

Resolved, that Paul McCormick a citizen of the County of Custer in attendance upon this Legislative Assembly in the interests of the citizens of that County be and he is hereby admitted to the privileges of the Floor of the House of Representatives-

Resolution was adopted and Clerk instructed to furnish a copy to Mr McCormick

The following communication was received

Office of The Helena Herald
Helena Montana Jan 15th 187

To the Speaker of the House.
Legislative Assembly Montana.

Sir The publishers of the Herald beg to say that they will undertake to execute such items of incidental printing as may be required and ordered by the House of Representatives of the Legislative Assembly of Montana now convened relieving the Territory of all liability therefor and looking alone to the Government of the United States for such compensation as it may award.

Respectfully
Your Obt Servants

Third Day Continued

Also the following from the Council

Legislative Assembly of Montana
Council Chamber
Helena Montana Jany 15th 1879

Mr Speaker

I am directed by the Council to inform the House that the accompanying C. C. R. No. 2. has passed the Council and the President has appointed Messrs Ives. Hickman and Hays as the Committee on the part of the Council contemplated therein

Respectfully
Harry R. Comly
Chief Clerk

C.C.R. No 2. To accept upon behalf of the Legislative Assembly the proposition of Messrs Kerly McQuaid and Lacroix to do the necessary printing of this session was read First and Second time. and Mr Sanders moved to amend by striking out the words in the resolution where they occur as follows to wit: "And to make such other arrangements as may be incidental thereto."

The amendment was adopted by the following Vote:

Ayes- Barbour. Beach. Bourdman. Boyer. Brooke.
Combs. Cornick. Edwards Fergus. Forbis
Hamilton. Marian. McCormick McElroy
Mood. Noyes. Perkins. Sanders. Stull
Stuart. Sweeny. Thorpe. Wilson - 23.

Noes- Harrington. Robinson. Mr Speaker- 3.

On motion the resolution as amended was referred to the Committee on Printing.

The following message was received from the Council.

Council Chamber
January 15th 1879

Mr Speaker.

I am instructed by the Council to inform your Honorable body that Sanders has given notice of the introduction of a bill for an act entitled

"An act to provide for the funding of the outstanding 12 per cent bonds of Jefferson County Montana Territory. and for [illegible]"

Third Day Continued

Mr Sanders. Moved the following

H. C. R. No 2.

Sec 1. Resolved by the Legislative Assembly the Council concurring that it is the sense of the Legislative Assembly of the Territory of Montana, that the indebtedness of the Territory and of each County and other municipality therein should be paid according to the terms of the contracts therefor and that the Legislative Assembly should furnish any necessary Legislation to enforce such payment if it shall seem to be required.

Sec 2. That in consideration of the exceptional condition of Missoula County resulting largely from criminal prosecution at a time when that County was overrun with a transient population in Mining Camps remote from its County Seat. The committee on Ways and Means be requested to inquire if the public interests will not justify some assistance by the Territory to that County and if they will, to devise the method by which it can be most efficiently rendered.

Resolution was read and the question being upon its adoption. Mr Forbis moved a division of the question when the first Resolution was passed by the following Vote.

Ayes - Barbour. Beach. Boardman. Boyer. Brooks
Combs. Cornick. Edwards. Fergus. Forbis.
Hamilton. Marian. McCormick. McElroy.
Mood. Noyes. Perkins. Sanders. Stell. Stuart
Sweeney Thorpe Wilson. Mr Speaker - 24.

Noes - Harrington. Robinson - 2.

The second part of the Resolution was then read for information and passed by the following Vote.

Ayes - Barbour. Beach. Boardman. Boyer. Brooks
Combs. Cornick. Edwards Fergus Hamilton
Marian. McCormick McElroy. Mood. Noyes
Perkins. Sanders. Stell. Stuart. Thorpe
Wilson. Mr Speaker. - - - - - - - - - - - - 22.

Noes - Forbis. Harrington. Robinson Sweeney - - 4.

Title agreed to -

On motion of Mr Beach a Committee consisting of Messrs Beach. Mood, and Boardman, was appointed on mileage.

On motion of Mr Stell the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E Kanouse

Fourth Day

House of Representatives
January 16th 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called — Quorum present

Absent — Messrs Harrington McCormick and McElroy.

Prayer by the Chaplain.

Journal of yesterday read and approved

At the hour of 10 1/4 O'clock AM. House proceeded to the consideration of the Special Orders and H. C. R. No 1 being first in order. Mr Robinson moved its adoption

On motion of Mr Stuart a call of the House was made
Absent — Mr McElroy

Mr Sanders moved that further proceedings under the call be dispensed with which motion was lost

Sergeant-at-Arms reported absentee in his seat

On motion of Mr Sanders a further call of the House was dispensed with.

Upon the question of the adoption of H. C. R. No 1. The Ayes and noes were called for, when the Resolution was lost by the following Vote.

Ayes — Boardman. Fergus. McCormick. Noyes
Robinson. Sanders. Stull Wilson ---- 8.
Noes — Barbour. Beach. Boyer. Brooke Combs
Cornick. Edwards. Forbis. Hamilton
Harrington. Marian. McElroy. Mood
Perkins. Stuart. Surney. Thorpe
Mr Speaker ------------ 18.

Fourth Day Continued

Mr Harrington from the Committee on Printing reported as follows -

Mr Speaker.

Your Committee to whom was refered C. C. R. No 2. with the amendment thereto have had the same under consideration and recommend that it do pass as amended -

Special Committee on mileage made the following report

Mr Speaker.

Your committee on mileage beg leave to report that they find the persons hereafter named entitled to the following mileage.

Barbour -	240	miles	Combs -	230	miles
Beach - - -	7	"	Cornick	180	"
Boardman -	180	"	Edwards	240	"
Boyer - - -	200	"	Fergus	50	"
Brooke - - -	120	"	Forbis	180	"
Hamilton	440	"	Robinson	90	"
Harrington	75	"	Sanders	—	"
Marian	400	"	Stall	168	"
McCormick	360	"	Stuart	—	
McElroy	234	"	Sweeney	—	-
Mood	200	"	Thorpe	90	-
Noyes	180	"	Wilson	118	-
Perkins	220	"	Word	250	-

E. Beach
William F. Boardman
H. H. Mood.
Committee.

Notices of the introduction of Bills were given as follows

By Mr Fergus.

"A Bill in relation to fees of County Assessors"

also -

"A Bill in relation to fees of County Treasurers"

Also -

"A Bill in relation to the fees of County Clerks"

By Mr Brooke.

"An act to require Butchers to record brands of Slaughtered Animals."

Fourth Day Continued

Also.

"A Bill offering a bounty for the Killing of Bears Mountain Lions and Wolves"

Also -

"A Bill in relation to estray Horses for the benefit of Schools"

Also

"A Bill to provide for a more strict observance of the Sabbath"

By Mr Marion

"A Bill in relation to Swine"

By Mr Harrington

"A Bill to repeal an Act entitled an Act in relation to diseased animals"

By Mr Perkins

"An Act to enable the County of Gallatin to erect a Court House and Jail in Gallatin County".

Also

"An Act to provide for the funded indebtedness of Gallatin County Montana Territory"

By Mr Beach

"An Act relating to fees of District Attorneys"

The following Bills were introduced

By Mr Brooke

H. B. No 1 - An Act in relation to Notaries Public - Read 1st and 2d time and on motion of Mr Robinson amended by striking out Sections 2. and 3. and referred to Committee on Judiciary

Mr McCormick introduced H. B. No 2. A Bill providing for funding the floating debt and re-bonding the bonded debt of Missoula County — Read first and second time and on motion of Mr Sanders amended by striking out Sec 15 the Bill was then referred to Committee on Ways and Means.

Communication as follows was received from the Council

Council Chamber
Helena M.T. Jan 16th 1879

Mr Speaker

I am directed by the Council to inform the House that C. C. R. No 3. H. C. R. No 2. and H. J. R. No 1. have passed the Council

Fourth Day Continued.

On motion of Mr Sanders

C. C. R. No 2 providing for Committee to accept proposition of Kerby McQuaid and La Croix in relation to printing was re-committed to Committee on Printing with instruction to report as a substitute therefor a H. J. R.

Mr. Robinson introduced

H. J. M. No 1 asking further appropriation for the expenses of the Legislature Read First and Second time and referred to Committee on Federal Relations.

H. C. R. No. 2. In relation to indebtedness of Missoula County. And H J R. No. 1. declaring valid acts of Official of Custer County having passed the Council were ordered Enrolled.

C C R No 3. Authorizing employment of additional Clerks was read and referred to Committee on Judiciary with instructions to report as a substitute therefor a H. J R.

Mr Sanders moved that the consideration of the Governor's Message being the special order for 2 O'clock P.M. be deferred to 3 O'clock P.M. January 16th 1879 which motion was carried.

On motion House took a recess to 2 1/2 O'clock P.M.

2 1/2 O'clock P.M.

House resumed. Mr Speaker in the Chair.

Roll called - Quorum present

Absent - Brooks and McCormick

Mr Robinson - Chairman of Judiciary Committee reported as follows -

Mr Speaker.

The Judiciary committee to whom was referred C. C. R. No 3. beg leave to report. That they recommend that said resolution do not pass. And said Committee hereby with this their report submit as a substitute for said resolution a Joint Resolution embracing the substance therein of said concurrent resolution.

Robinson
Chairman

Fourth Day Continued

H. J. R. No 2 which was reported from the Judiciary Committee as a substitute for C. C. R. No 3. was read and on motion recommitted.

On motion of Mr Robinson the Rules were suspended and C. C. R. No 3 was put upon its final passage and lost

3 - Oclock P.M. the Special hour for the consideration of the Governor's Message having arrived the House went into Committee of the Whole Mr Stuart in the Chair

The House resumed Mr Speaker in the Chair.

A minority Report from the Committee on Printing was received as follows;

Mr Speaker.

The undersigned having examined Council Concurrent Resolution No 2 and the proposition of Messrs Kerley M^cQuaid and Co recommend that the resolution do not pass for the following reasons

The proposition exempts the Territory from liablity for all incidental printing not provided for by law. The Printing Law (page 118 of 1876) provides for pay of such printing out of the Territorial Treasury and it is patent that the proposition of Messrs Kerley M^cQuaid & Co if accepted as provided in this resolution will hold the Territory instead of the General Government for pay

Boyer.

Mr Robinson from Committee on Judiciary reported back H. J. R. No 2. with the following amendment.

"Amend by striking out the following words where they occur therein to wit: "Compensation as said Assembly may provide for them" and insert in lieu thereof the following words to wit: Service they shall be entitled to receive the sum of Five Dollars per day each for the time actually employed in such service

On motion the Amendment was adopted.

Mr Sanders moved to amend by striking out the word "three where it occurs and insert in lieu thereof the word "two"

The amendment was carried and on motion of Mr Sanders the Resolution with amendments was ordered Engrossed.

Fourth Day Continued

On motion of Mr Beach the report of Committee on Mileage was returned for correction

the House offered the foll   Mr Hamilton by consent of the House offered the following

Resolved. That this House tender a vote of thanks to the Helena Library Association for courtesies extended in offering to them the free use of their Library during the session.

Hamilton

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk

Fifth Day

House of Representatives
January 17th 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called. Quorum present

Absent - Cornick - Marian.

Prayer by the Chaplain

Journal of yesterday read and approved.

Mr Harrington from Committee on Engrossment reported as follows.

Mr Speaker.

Your Committee on Engrossment to whom was referred H. J. R. No 2: would beg leave to report the same back to the House correctly engrossed.

C L Harrington.
Chairman

Mr Robinson from Committee on Joint Rules reported as follows.

Mr Speaker

That portion of your Committee appointed by the "House" to confer with a Committee of the Council on Joint Rules beg leave to report.

That the [illegible] conferred with

Fifth Day Continued

Council Committee and that said "Joint Committee" recommend the adoption of the "Joint Rules" adopted at the 10th Session of the Montana Legislature

Mr Stuart from Committee on Federal Relations reported as follows.

Mr Speaker.

Your Committee on Federal Relations beg leave to report that they have had under consideration House Joint Memorial No 1 and recommend that it do pass

Mr Harrington reported as follows.

Mr Speaker.

A Majority of your Committee on Printing to whom was referred C. C. R. No 2 with instructions to bring in a substitute embracing the same subject matter as amended. but in the form of a H. J. R. Herewith submit enclosed House Joint Resolution embracing said subject matter. and recommend that it do pass.

Mr Beach Chairman of Committee on Miliage reported as follows

Mr. Speaker.

Your Committee to whom was referred back the report on Mileage beg leave to report that they have corrected the same by striking out the words and figures "McElroy - - - 114 miles" and inserting in lieu thereof McElroy - - - 234"

E Beach,
W. T. Boardman
Wm H Mood.

Notices of Introduction of Bills were given as follows

By Mr Marian

"An act concerning the circulation of Canadian money in the Territory of Montana".

By Mr Hamilton

"An Act in relation to the sale of intoxicating Liquors"

By Mr Fergus.

"A Bill in relation to fees of Sheriffs"

Fifth Day Continued

The following Bills were introduced.

By Mr Brooke - H B. No 6. "An Act requiring Butchers to record marks and Brands of all animals slaughtered by them" was read 1st and 2nd time and referred to the Committee on Grazing and Stock-Growing

By Mr Perkins - H. B. No 5. "An Act to enable the County of Gallatin to erect Court House and Jail" was read 1st and 2nd time and referred to the Committee on "Ways and Means"

By Mr Marian - H B. No 3 - "An Act in relation to Swine" was read 1st and 2nd time and referred to Committee on "Grazing and Stock Growing."

By Mr Perkins. H. B. No 4 - "An Act to provide for the redemption of the funded indebtedness of Gallatin County" Read 1st and 2nd time and referred to Committee on "Ways and Means"

By Mr Brooke - H. B. No 7 - "An Act to tax Jury fees" was read first and second time and referred to Committee on Judiciary

H. J. R. No 3. Substitute for C. C. R. No 3 - was read 1st and 2nd time And Mr Sanders offered the following amendment Amend by striking out the word "proposition" where it occurs in the resolution and all that follows and insert in lieu thereof the following to wit:

"Propositions of Kerley LaCroix and McQuaid for one half of the incidental printing for this Legislative Assembly, on the terms proposed and the proposition of Messrs Fisk Bros for one half thereof on like terms. but it is distinctly herein expressed that no liability is to be considered as being incurred by the Territory under any contract or contracts made hereunder.

Mr McCormick moved as an amendment to the amendment - the following -

"Strike out all of said Amendment down to the word "but" in line fourteen.

Mr Harrington presented the following Communication

Fifth Day Continued

To the Speaker and Members of the House of Representatives - Eleventh Session

Gentlemen - Referring to the proposition made by us to the House of Representatives yesterday. to do the printing of the Bills and all other incidental printing required by the House which has hitherto been done at the expense of the United States: We wish to reiterate our offer as previously made and to say emphatically, that we will seek payment only from the United States. and that we will not claim payment for same from the Territory of Montana in any event.

Very Respectfully
Your obdt Servts
Kerley McQuaid & La Croix
Pubs "Independent"

Helena M. T.
Jany 16th 1879

On motion of Mr Stall House took recess to 2 O'clock P.M.

2 O'clock P.M.

House resumed. Mr Speaker in the Chair
Roll called - Quorum present

Mr Speaker announced the Order of business to be "The consideration of the Amendment to the Amendment to H. J. R No 3.

Upon the question of its adoption Mr Sweeney. moved the previous question. which motion prevailed - And the Ayes and Noes being called upon the adoption of the amendment to the amendment it was carried by the following vote:

Ayes - Barbour. Beach. Brooke. Cornick. Forbis Hamilton. Harrington - Marian. McCormick McElroy. Mood. Noyes - Perkins, Robinson Stuart - Sweeney - Thorpe. Wilson. Mr Speaker - 19.

Noes - Boardman. Boyer. Combs. Edwards. Fergus Stall. Sanders. 7 -

On motion of Mr. McCormick the amendment as

Fifth Day Continued

Upon the question of the adoption of the Resolution as amended the Ayes and Noes were called for and the Resolution passed by the following vote

Ayes - Barbour. Beach. Brooke. Cornick. Dorbis.
Hamilton Harrington. Marian. McCormick
McElroy. Mood. Noyes Perkins. Robinson
Stuart. Sweeney Wilson. Mr Speaker - 18.

Noes - Boardman. Boyer. Combs. Edwards
Fergus Sanders Steell Thorpe --- 8.

Title was agreed to.

The following messages were received from the Council

Council Chamber
Jan 17th 1879

Mr Speaker,

I am instructed by the Council to inform the House that:

C. C. R. No 4 has passed the Council and is transmitted. That Sanders introduced C. B. No 4. "An Act to provide for the funding the outstanding twelve percent bonds of Jefferson County Montana Territory

Respectfully
Harry R Comly
Chief Clerk.

Council Chamber
Jan 17th 1879

Mr Speaker,

I am directed by the Council to inform the House that - The following notices were given
By Barrett of a bill to consolidate some of the Offices of Beaverhead County. By Kennon - "An Act relating to the collection of Special poor and special Road Tax"
That the following bills were introduced
By Holter - C. B. No. 1 "An Act concerning limitations".
By Gillette - C B No 2. An Act to provide for licensing commercial travelers
By Gillette - C B No 3 - An Act to provide for the compensation of Kerley McQuaid & Galcrost -

Respectfully
Harry R Comly

Fifth Day Continued

Council Chamber
Jan 17th 1879.

Mr Speaker.

I am instructed by the Council to inform the House that.

Notices of the introduction of bills have been given by Parberry as follows "An Act to prevent the trespassing of animals upon private property" Also.

An Act to consolidate the office of Superintendent of Public Instruction with that of Territorial Auditor

Also a bill to amend section 11 of an Act to provide for biennial elections in the Territory of Montana.

Respectfully
Harry R Comly
Chief Clerk.

House J M No 1: asking further appropriation for expenses of Legislative Assembly was read 3d time and passed by the following vote.

Ayes - Barbour. Beach. Boardman. Boyer. Brooke.
Combs. Cornick. Edwards. Fergus. Forbis
Hamilton. Harrington. Marian. McElroy. Mood.
Noyes. Perkins. Robinson. Sanders. Steell. Stuart
Sweeney. Thorpe. Wilson Mr Speaker - 25.

Noes - None.

Title was agreed to.

H. J. R. No 2 - Providing for additional Clerks for the Legislative Assembly was read 3d time and passed by the following vote.

Ayes - Barbour. Cornick. Edwards. Forbis. Hamilton
Harrington Marian. McElroy. Mood. Noyes.
Perkins. Robinson. Stuart. Sweeney Thorpe.
Wilson. Mr Speaker. - 17 -

Noes Beach Boardman Boyer. Brooke. Combs
Fergus. Sanders. Steell - 8.

Title agreed to.

Fifth Day Continued

On motion of Mr Sanders C.C.R. No 2, was indefinitely postponed by the following vote:

Ayes. Barbour, Beach, Boardman, Boyer, Brooke
Combs, Cormick, Edward, Fergus Forbis
Hamilton Harrington, Marian, McCormick
McElroy, Moud, Noyes, Perkins, Robinson
Sanders, Stull, Stuart Sweeny Thorp
Wilson, Mr Speaker. - 26 -
Noes None

On leave of the House Mr Stuart Chairman of Committee of the Whole on the Governor's Message made the following report

Mr Speaker,

The Committee of the Whole having had under consideration the Governor's Message beg leave to report upon the same as follows — Those portions of the Message in reference to -

The tables of Statistics
The duties of Assessors
The condition of laws for assessment & collection of taxes.
Safeguards for the Public Moneys
Deposits of Public Moneys with banks or individuals
Statement of County Commissioners
The Bonded indebtedness of the Territory
Remitting territorial taxes by County Treasurers
Returns of County Warrants by County Treasurers

Were referred to the Committee of Ways and Means

Those portions of the Message in reference to -
The fees of District and County Officers
The provisions of the Election Law
The Probate Act
Expenses of Trials
Duties of District Attorneys
Fees of Jurors in Civil Cases
Running of Stage Coaches
Administering of Oaths
Challenges to Jurors
Certificates of County Boards of Canvassers
Operation of Attachment law
Regarding [illegible] ots &c

Fifth Day Continued

Statutes of Limitations
Proceedings before Justices of the Peace
Were referred to the Committee on the Judiciary
Those portions of the Message in reference to—
The Contract for Keeping & Maintaining Territorial Convicts
The Indigent Insane
The re-apportionment of the Territory
Organization of Custer County
Were referred to the Committee on Territorial Affairs
Those portions of the Message in reference to—
Report of Supt of Public Instruction
Observance of the Sabbath
Collection of Statistics & Matter descriptive of the resources of Montana
Were referred to the Committee on Education & Labor
That portion of the Message in reference to—
The Cattle interest of the Territory
Was referred the Committee on Grazing and Stock-Growing
That portion of the Message in reference to—
Rates of Toll for Grinding
Was referred to the Committee on Agriculture & Manufactures
Those portions of the Message in reference to—
Artesian Wells
Improvement of the Missouri and Yellowstone Rivers
And the Utah and Northern Railroad
Were referred to the Committee on Internal Improvements
That portion of the Message in reference to—
The Indian situation in the Territory
Was referred to the Committee on Indian Affairs
Those portions of the Message in reference to—
The Military District of Montana
And the British Government
Were referred to the Committee on Military Affairs

All of which is respectfully submitted
Stuart
Chairman

Report was adopted

On motion of Mr Robinson House adjourned.

Sixth Day

House of Representatives
January 18th 1879

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present

Absent - Mr Noyes

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Enrollment reported as follows:

Mr Speaker,

Your Joint Committee on Enrollment beg leave to report H. J. R. No 1 - legalizing the organization of Custer County and H. C. R. No 2. relating to the indebtedness of Missoula County etc correctly enrolled.

Forbis

Notices of the Introduction of Bills were given as follows.

By Mr Sanders.

A bill for "An Act to encourage Steamboat Navigation on the Upper Missouri River".

By Mr Sweeney.

"An Act for the better protection of Game

By Mr Hamilton

A Bill in relation to the branding of live Stock.

The following Report was received

Mr Speaker

Your Committee on Grazing and Stock-growing to whom was referred H. B. No 3 "An Act in relation to Swine" have had the same under consideration and hereby report it back with a Substitute with the recommendation that the Substitute be adopted

Respectfully
Brooke

Sixth Day Continued

Mr Brooks introduced H. B. No 9 - "An Act in relation to Estray Horses for the benefit of Public Schools" Read 1st and 2nd time and referred to Committee on Judiciary.

Mr Marion introduced H. B. No 8 - "An Act in relation to Canadian Money" which read 1st and 2nd time and referred to Judiciary Committee.

C. C. R. No 4. - Authorizing Committee of each House on "Grazing and Stock-growing" to act as Joint Committee was on motion of Mr Brooks adopted.

On motion of Mr Sanders. The Bill reported from Committee on Grazing and Stock-growing as Substitute for H. B. No 3 - "An Act in relation to Swine" was laid upon the Table.

On motion of Mr Sanders. House adjourned to 10 O'clock A.M. January 20th 1879

Jas E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representative

Eighth Day

House of Representatives
January 20th 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present

Prayer by the Chaplain

Journal of Sixth day read and approved.

Mr McCormick. Chairman of Ways and Means Committee reported as follows:

Mr Speaker: Your Committee on Ways and Means to which was referred certain portions of the Governors Message beg leave to make the following report: That the imperfect manner in which the Law regulating the assessment of property has been enforced in the different counties of the Territory demands some very radical changes in the Revenue Law. to the end that every species of property shall contribute an equal share to the support and maintenance of Territorial and Municipal Government and your Committee will be able to present to the House at a very early day. a Bill that shall correct the defects of the law and the manner of its enforcement under which Thousands of Dollars of property have escaped taxation.

Second. That portion of the Governors Message relating to the safe keeping of the Public Moneys meets with the hearty concurrence of your Committee and that this Legislature ought not to adjourn without providing such Legislation as will give to the people absolute immunity from losses that may be sustained by carelessness or dishonesty upon the part of those intrusted with the safe keeping of the Territorial and County funds - In reference to the Territorial Indebtedness and the proposition to rebond the debt at a lower rate of interest than it now bears. Your Committee are advised that there is now pending in the Council a Bill for an Act in conformity with the suggestions of his Excellency on that subject

McCormick
Chairman of
Com't on Ways and Means

Eighth Day Continued

Notice of the introduction of Bills was given as follows:
By Mr Mood.
"A bill regulating toll of Grist Mills."
By Mr Sanders.
"A bill for an act enlarging Homestead Exemptions"

Mr Forbis: Chairman of Committee on Enrollment reported as follows.

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that H. J. R No 7. in relation to the County Government of Custer Co was presented to the Governor at 11:35 A.M. Jany 18th 1879.

Notices were received as follows.
By Mr Marian.
A Joint Memorial in relation to the improvement and repair of the Mullen Road.
By Mr Robinson:
A bill for an Act in relation to fees and compensation of Officers:

On motion of Mr Fergus the following Resolution was adopted: Resolved: The use of the Hall of the House of Representatives is hereby granted on Thursday evening of each week during the present Session of this Legislature when not required by the House to such Members of each body as shall desire to form a Legislative Farmers, Stock-raisers and Miners Club.

Communications as follows were recieved from the Council

Council Chamber
Jan 18th 1879

Mr Speaker:

I am instructed by the Council to inform the House that the following Notice was given - By Sanders - "An Act to authorize the Governor to contract for the keeping and maintenance of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge.
That the following bills were introduced - By Hickman C. B. No 6. "An Act amendatory of Section 286. of the Criminal Practice Act" - By Parberry C. B. No 7 - "An Act to prevent the trespassing of animals upon private property." That H. J. R. No 2. relative to employing Clerks and H. J. R. No 3. relative to printing have passed the Council and are herewith transmitted.

Res'y'fully

Eighth Day Continued

Council Chamber
Mr Speaker. January 17th 1879

I am instructed by the Council to inform the House that ~~Hyde introduced~~ C. B. No 5 - "An Act to incorporate the town of Butte"

Respectfully
Harry R Comly
Chief Clerk

H. J. R No 3. and H. J. R. No 2. returned from the Council with notice of passage were ordered Enrolled.

Mr Sweeney - Introduced H B No 10 - "An Act to protect Game" which was read 1st and 2nd time and Mr Brooke offered the following Amendment - Strike out the words "for sale" wherever they occur in Sec 2. of the Bill. On motion the Bill and Amendment was referred to the Committee on Grazing and Stockgrowing

The following Messages were received from the Governor:

Territory of Montana
Executive Department
Helena January 20th 1879

To the Legislative Assembly.

I submit for your consideration the proposition of H. S. Vestal Esq to purchase whatever amount of territorial bonds that may be authorized to be issued to cancel the present ten per cent bonds of the Territory.

Respectfully
B. F. Potts

Territory of Montana
Executive Department
Helena January 20th 1879

To the Legislative Assembly

I have the honor to submit for the information of the Legislative Assembly, the Report of the Historical Society of Montana for the years 1877-8 - Only one copy of the Report having been furnished this Department the same is sent to the Council

Respectfully
B. F. Potts

Eighth Day Continued

Also the following.

Helena Montana
Dec 27th 1878

Dear Sir: Understanding it to be your desire that the bonded debt of this Territory be refunded at a rate of interest lower than 10% I hereby have the honor to submit the two following propositions having this end in view.

1st I will agree to accept bonds of the Territory of Montana at par drawing interest at the rate of six (6) % per annum payable semi annually in New York. And principal due in ten years but redeemable at the option of the Territory after seven years. These bonds must be exempt from all taxation whether territorial county or local. and so expressed in the bonds

2d Should the foregoing proposition not be acceptable I will take a bond with the same conditions as to maturity of principal and payment of interest. Substituting 8% in place of 6% as the rate and also waiving all reference as to taxation.

I have arranged with Messrs L. H. Hershfield and Bro Bankers to pay for the bonds as soon as presented to them in such funds and at such place as the Treasurer of the Territory may designate.

Very Respectfully
(Signed) A. S. Vestal.

To his Excellency
Gov B. F. Potts

A true copy
(Sig) B F Potts
Governor

Mr Beach introduced H B No 11. An Act to amend Sec 9 of Chapter 37. of an Act of the Legislative Assembly of Montana entitled An Act revising reenacting and codifying the General and permanent laws of Montana Territory approved Jan 10th 1872 Mr McCormick moved to amend by excepting all persons from the operation of the Bill who have served as Members of the Legislative Assembly of Montana which amendment was lost and the Bill was referred to the Committee on Judiciary

On motion of Mr Robinson the communication from the Governor in regard to the proposition of A. S. Vestal with papers pertaining thereto was referred with instructions to the Committee on Ways and Means.

O[illegible]tion of Mr Forbis the House took a

2 - O'Clock P.M.

House resumed.

Mr Speaker, in the Chair.

Roll called - Quorum present.

The following Message was received.

Council Chamber.
Jany 20th 1879.

Mr Speaker: I am instructed by the Council to inform the House that: Bills were introduced as follows: By Barrett C.B. No 8 An Act to amend Sec 1. of an act entitled an act to consolidate the County Officers of Meagher, Choteau, Jefferson & Missoula Counties By Parberry. C B No 9. An Act to amend Sec 11. of an Act entitled An Act to provide for biennial elections in the Territory of Montana That the following have passed the Council and are herewith transmitted: H. J. M. No 1. asking Congress to make further appropriations: C B No 1. "An Act concerning limitations"

Respectfully
Harry R Comly
Chief Clerk.

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment have examined H J R No 2. in relation to the employment of Clerks by the Judiciary and Ways and Means Committees of the two Houses. and H. J R. No 3. in relation to the appointment of a Committee on Printing and find the same correctly enrolled
Forbis.

Mr Speaker announced that he was about to sign H. J. R. No 3 - in reference to contract for printing. Also that he was about to sign H. J. R. No 2 - in relation to employment of additional Clerks

H. J. M. No 1 - asking additional appropriation for expenses of the Legislature returned from Council with notice of its passage was ordered enrolled.

C. B. No 1 - An Act concerning limitations was read 1st & 2d and referred to Judiciary Committee

By leave of the House Mr Brooke introduced H. B. No 12 - "An Act to encourage the Killing of wild animals" which was read 1st and 2d time and under the rules was referred to Committee on Printing.

The Committee on Judiciary reported as follows

Mr Speaker: The Committee on the Judiciary to which was referred H. B. No. 8 - An Act in relation to Canadian Money" has had the said Bill under consideration

The undersigned are advised that the opinion prevails in different portions of the Territory that Sec 181 - of the Act entitled An Act concerning crimes and punishments approved Jan 12th 1872 operates to forbid the passage as money of currency heretofore put in circulation by Banks under authority of the Dominion of Canada. We are of the opinion that the phrase in said Section "put in circulation" has a specific and limited meaning. and that it pertains only to the issuance on the credit of the corporation. firm. association or individual of promises to pay "to circulate as money" and that it is in no way inimical to the objection which has been urged against it And that the citizens and other persons in this Territory are now free to accept keep or pass any moneys which have been put in circulation heretofore by the Bank of the Dominion of Canada or the Bank of Montreal or other Banks in any of the Provinces of that Dominion and that this right does not depend upon the number of hands through which said currency has passed since it was put in circulation by the Bank which issued it. this interpretation in the view of your committee is clear. Notwithstanding which, your committee is satisfied that the passage of this Bill will place the question beyond possible doubt in this regard. and permit the Section to stand until others taking counsel of their fears. shall cavil at some of its provisions when future Legislative Assemblies can by amendment allay them and while the Committee will not ordinarily be guided by such considerations. it is willing that this Bill shall pass when amended by inserting after the word "heretofore" where it occurs in the bill the words "or that shall hereafter be". All of which is respectfully submitted.

J. C. Robinson
Chairman

H B No 1- An Act in regard to Notaries Public was reported from Judiciary Committee with amendments and on motion recommitted

H B No 8- was reported from the Committee on Judiciary with amendment. On motion the amendment was adopted and the Bill as amended ordered engrossed

Mr Hamilton moved that the House do now adjourn which motion was lost

Mr Robinson moved to suspend the Rules and receive report from the Judiciary Committee- Mr Sanders moved that the motion to "suspend rules" lie upon the Table which motion was lost - And the question recurring on the original motion to suspend the rules the motion was lost.

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that H J R No 2 and H. J. R. No 3- have been presented to the Governor at 2.40 P.M Jany 20th 1879.
Forbis

On motion the House adjourned:

Samuel Word
Speaker House Representatives

Jas. E Kanouse
Chief Clerk.

Ninth Day

House of Representatives
Jan 21st 1879

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved

The Committee on Education and Labor reported as follows

Mr Speaker: Your Committee to whom was referred that portion of his Excellency the Governor's Message relative to the more strict observance of the First Day of the week commonly called Sunday would beg leave to report. That they have had the same under consideration and would respectfully recommend the passage of a bill touching that subject which your Committee is advised is already prepared and will be presented in due time

J T Thorp
Chairman.

Mr Forbis from Joint Committee on Enrollment reported as follows.

Mr Speaker: Your Joint Committee on Enrollment have examined H. J M No 1 in relation to further appropriations and beg leave to report the same correctly enrolled

Forbis.

The Committee on Engrossment reported as follows.

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 8. have examined the same and find the same correctly engrossed

Harrington

Notice of the introduction of Bills was given as follows:

By Mr Brooke.
"A Bill to tax dogs for the benefit of Public Schools"
Also
A Bill to amend the Revenue Law
By Mr Forbis.
"An Act to enable School District No 3. Deer Lodge County Montana Territory to erect and furnish a School House
By Mr Boardman:
A Bill in relation to the protection of fur bearing animals and fish in the Territory of Montana
By Mr Sanders:
A Bill for an act concerning the County of Custer - Also - A Bill for an act providing for the payment of certain expenses. Also - A Bill for an act authorizing the change of venue by District Courts in certain cases.
By Mr Robinson:
A Bill for an act in relation to the payment of costs in criminal prosecutions making the same a Territorial instead of a County charge.

Mr. Harrington introduced H. B. No 13 - "An Act to repeal an act in relation to diseased animals" - which was read 1st and 2d time and referred to Committee on Grazing and Stock-growing"
Mr Brooke introduced H. B. No 14 Entitled "Sunday Law" which was read 1st and 2d time - the enacting clause ordered amended and bill referred to committee on Education and Labor.

Mr Marrion introduced H. J M No 2. In relation to the improvement of the Mullan Road - which was read 1st and 2d time the rules suspended read 3d time by title and passed by the following vote: Those voting ayes were Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton Harrington Marion McCormick McElroy. Mead. Noyes. Perkins. Robinson Sanders. Steell. Stuart Sweeney Thorp Wilson Mr Speaker - 26

Noes none. Title was amended to read, H. J M No 2 in lieu of J M No 2.

Mr Stuart: introduced H.J.M No 3 - in regard to "change in system of surveys of Public Lands" - which was read 1st and 2nd time and on motion of Mr McCormick the rules were suspended - The memorial read a 3rd time by title and passed by the following vote

Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs
Cornick. Edwards. Fergus. Forbis. Hamilton
Harrington Marian. McCormick. McElroy. Mood
Noyes. Perkins. Robinson. Sanders. Stull. Stuart
Sweeney Thorp Wilson. Mr Speaker.
Noes - None.

Title was agreed to.

The following Message was received from the Council

Council Chamber
Jany 20th 1879

Mr Speaker: I am instructed by the Council to inform the House that: Kennon gave notice of the introduction of a bill for "An Act authorizing the Board of County Commissioners of Deer Lodge County to Construct a County Jail.

Respectfully
Harry R. Comly
Chief Clerk.

Mr Speaker announced that he was about to sign H.J.M. No 1 - in relation to additional appropriation for expenses of Legislative Assembly.

H.B. No 8. - In relation to Canadian money was read 3rd time and passed by the following vote.

Ayes - Barbour. Beach. Boardman. Boyer. Brooke.
Combs Cornick. Edwards. Fergus Forbis. Hamilton
Harrington. Marian. McCormick. McElroy. Mood.
Noyes. Perkins. Robinson. Sanders. Stull
Stuart. Sweeney. Thorp. Wilson. Mr Speaker - 26.
Noes - None

Title was agreed to.

On motion the House took a recess to 2 o'clock P.M.

2 O'clock P.M.

House resumed — Mr Speaker in the Chair.

Roll called — Quorum present

The following communication was received

Council Chamber
Jany 21st 1879

Mr Speaker: I am directed by the Council to inform the House that: Hays gave notice of a bill entitled. "An Act concerning Notaries Public" — That the Committee of Ways and Means reported C B No 10 — "An Act to provide for the funding of the outstanding indebtedness of the Territory of Montana and the redemption of the ten per cent bonds —

Respectfully
Harry R Comly
Chief Clerk.

By consent of the House Mr Robinson introduced H. B. No 15. — "An Act to reapportion the Members of the Legislative Assembly of Montana Territory, which was read 1st and 2nd time and under the rules referred to Committee on Printing.

By consent of the House. Mr Brooke presented a petition asking revision and reprint of record of Brands and Marks. Petition was read and on motion referred to Committee on "Grazing and Stock-growing"

Mr McCormick from the Committee on Ways and Means made the following report on H. B. No 4 —

Mr Speaker: Your Committee on Ways and Means to which was referred H. B. No 4. a bill for an act to provide for the redemption of the funded indebtedness of Gallatin County have had the same under consideration. and beg leave to report the same back to the House with the following amendments, to wit: Amend Sec 2 — by striking out the word "ten" in line three of the printed bill. and insert in lieu thereof the word "eight" — Also amend said Section 2 — by inserting after the word "sealed" in line five of the printed bill the words. "with county seal of said county" — ~~Amend Section 4 by striking out all of said section after the word "weeks" in line four (4) and insert in lieu the~~

giving notice in one or more daily newspapers published in the City of New York, State of New York, for a period not less than four weeks. Said notice to be given in said Daily Newspaper or papers sixty days prior to the time of such sale"

With these amendments Your Committee recommend that it do pass.

Report was adopted and the Bill with amendments referred to the Committee on Engrossment

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk.

Tenth Day

House of Representatives
Jan 22nd 1879

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present.

Prayer by the Chaplain

Journal of yesterday read and approved.

The following message was received from the Council

Council Chamber
Jany 21st 1879

Mr Speaker.

I am instructed by the Council to inform the House that: Ives gave notice of the introduction of a bill for "An act to enlarge homesteads. Mr Hays introduced C. B. No 11 - "An act concerning Notaries Public"

Respectfully
Harry R Comly
Chief Clerk.

The following communication was received from the Governor

Territory of Montana
Executive Department
Helena January 21st 1879

To the
House of Representatives

I have the honor to inform the House of Representatives, that I have this day approved House Joint Resolution No 3 without title

Respectfully
B. F. Potts.

Also the following

Territory of Montana
Executive Department
Helena January 21st 1879

To the
Legislative Assembly

I have the honor to submit for the consideration of the Legislative Assembly a memorial of the Constitutional Convention of California asking the Governors of Oregon and Nevada; and Washington, Idaho, Montana and Arizona Territories to memorialize the President of the United States and the Senate of the United States for a modification of the Burlingame treaty existing between the United States and the Chinese Empire.

This subject appears to me to require the action of the representatives of the people rather than the Executive, and as the Legislature is now in session, the whole subject is submitted for the consideration and action of the same. Only one copy of the memorial having been furnished this Department - The same is sent to the House of Representatives

Respectfully
B. F. Potts.

The committee on Indian Affairs made the following report

Mr Speaker: Your Committee on Indian Affairs to whom was referred that part of his Excellency's the Governors Message relating to the protection of our people against the depredations of Indians beg leave to report that we have considerd the same and now have under advisement a measure to provide relief in the premises. But your committee now deem it proper in this preliminary report to present and recommend the passage of the Joint Memorial herewith respectfully submitted.

The Judiciary Committee reported as follows:
Mr Speaker! The Judiciary Comittee to which was re-committed H. B. No 1- beg leave to report that they have considered said bill and recommend that the same be amended as follows: Strike out the word legalized in Section 1 thereof and insert in lieu thereof the words declared valid to all intents and purposes." And that Sections "two" and "three" of said bill be stricken out - And with said Amendments the Committee recommend that the same do pass

Robinson
Chairman

The Committee on Ways and Means reported as follows
Mr Speaker! Your Committee on Ways and Means to which was referred House Bill No 5. have had the same under consideration and beg leave to report it back to the House with the following amendments to wit: Strike out the word "ten" in line two (2) Section two (2) and insert in lieu thereof the word "eight" in the printed copy of the bill - Amend Section four (4) by striking out all of said section after the word "weeks" in line six (6) of printed bill - and insert in lieu thereof the following to wit: "Prior to the time of such sale and in like manner by giving notice in one or more daily newspapers published in the City of New York. State of New York for a period of not less than four weeks. said notice to be given in said daily Newspaper or Newspapers sixty days prior to the time of such sale. With these amendments your Committee recommend that the bill do pass. All of which is respectfully submitted

McCormick
Chairman

The committee on printing reported as follows:

Mr Speaker = Your Committee to whom was referred H. B. No 12. have examined the same and find it correctly printed with the exception of the enacting clause which in the Bill reads - "Be it enacted by the Legislative Assembly of Montana". In the printed copy the enacting clause reads. Be it enacted by the Legislative Assembly of the Territory of Montana". And as this form is in conformity with law - we herewith submit our report

Signed - Harrington

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to which was referred H. B. No 4 – with amendments have examined said Bill and hereby report the same correctly engrossed.

The Committee on Printing reported as follows:

Mr Speaker: The Committee on Printing to whom was referred H B. No 4 – beg leave to report the same back to the House correctly printed.

Notices of the introduction of Bills were given as follows.

By Mr Barbour: A bill for an Act to amend an Act entitled "An Act providing for the collection of the Revenue approved Jan 12th 1872

By Mr Fergus: A Bill to amend Section eighteen of an Act concerning printing"

By Mr Forbis: A bill for an Act to provide for and enable the several Courts to hold terms at the town of Butte Deer Lodge County M. T. and to provide for the several County Officers establishing branch offices at said town of Butte and for other purposes

Mr Sanders introduced the following Resolution

Resolved by the Legislative Assembly of the Territory of Montana (the council concurring) that the County Clerk of the County of Missoula be and he is hereby requested to furnish the Speaker of the House and the President of the Council without delay

1st The amount of County bonds of said County outstanding and and overdue with the rate of interest which said bonds bear and the amount of interest due thereon.

2d The amount of County bonds of said County outstanding and not yet due and when they will become due with the amount if any of interest overdue and the rate of interest which they bear and the amount of interest which there is now due thereon.

3d Under what laws the said bonds were issued.

4th The amount of outstanding warrants which bear interest and the rate of said interest and the total amount of interest due thereon.

5th The amount of outstanding warrants which do not bear int

6th – The amount of moneys received into the County Treasury for County purposes from all sources during the year 1878.

7th The amount of moneys in the County Treasury to the credit of the various funds of the County.

8th The amount disbursed during the year 1878. for the prosecution and punishment of criminals

Mr Sanders introduced H.B. No 16 – "An Act concerning the County of Custer" which was read 1st time when Mr Robinson moved to reject the Bill which motion was lost The Bill was then read a 2d time and referred to the committee on Judiciary –

Mr Beach introduced H.B No 17 – An Act to established fees of District Attorneys – which was read 1st and 2d time and referred to Judiciary Committee

Mr Hamilton introduced H.J.M No 4 – in relation to confining Indians to their Reservations. which was read 1st and 2d time and referred to the Committee on Federal Relations

On motion of Mr Sweeney the communication of the Governor with inclosure relative to the "Burlingame Treaty" was referred to the Committee on Federal Relations.

H.B. No 4 – An Act to provide for the redemption of the funded indebtedness of Gallatin County being before the House for a 3d reading – Mr Sanders moved to amend by striking out the word "daily" where it occurs in the bill and inserting in lieu thereof the word "weekly" the amendment was carried and the Clerk instructed to so amend the bill in the presence of the House. Whereupon the Clerk under the observation and in the presence of the House proceeded to make the amendment of the bill as authorized – The Bill was then read a 3d time and passed by the following vote: Those voting ayes were

Barbour. Beach. Boardman. Boyer. Brooke. Combs
Cornick. Edwards. Fergus. Forbis. Hamilton. Harringt
Marian. McCormick. McElroy. Mood. Noyes. Perkins
Robinson. Sanders. Stull. Stuart. Sweeney. Thorp.

[illegible] 26 – Noes none

H. B. No 12. An Act to encourage the Killing of wild animals being before the House for its 3d reading.

Mr Sanders moved to indefinitely postpone the same.

On motion the House took a recess until 2- O'clock P. M.

2. O'Clock P. M.

House resumed- Mr Speaker in the Chair-

Roll called. Quorum present.

Mr Speaker announced the order of business to be the consideration of motion to Indefinitely postpone H. B. No 12. And the ayes and Noes being called for the motion was lost by the following vote. Those voting Aye were

Boardman. Combs. Cornick. Edwards
Forbis. McElroy. Noyes. Sanders. Stull. 9.-

Those voting No were.

Barbour. Beach. Boyer. Brooke. Fergus.
Hamilton Harrington Marian. McCormick. Mood. Perkins
Stuart. Sweeney. Thorpe. Wilson Mr Speaker. 16-

Absent Mr Robinson.

The Bill was then referred to the Committee on Territorial Affairs.

H. B. No. 5- "To enable the County of Gallatin to erect a Court House and Jail"- reported back by the Committee on Ways and Means. with amendment was taken up and Mr Sanders moved to amend the amendment as follows: Strike out the word "daily" where it occurs, and insert the word "weekly" in lieu thereof. which motion prevailed: on motion the amendment as amended was adopted and the bill referred to the Engrossment Committee.

H. B. No 1- In relation to Notaries Public reported back from Judiciary Committee with amendments was on motion recommitted.

The following message from the Council was received

Council Chamber
Jan 22d 1879.

Mr Speaker: I am instructed by the Council to inform the House that Sedman gave notice as follows. of a bill for an Act to amend Sect 2 & 25. of an act concerning crimes and punishments" also of [illegible] act [illegible] collection of revenue. That the following bills and memorials have passed the Council and are transmitted.

H. J. M. No 3 - relating to Surveyor General
H. B. No 8 - An Act in relation to Canadian Money
C. B. No 7 - An Act to prevent the trespassing of animals upon private property" C. B. No 9 - An Act to amend Sec 11 of an Act to provide for biennial elections in the Territory of Montana" approved Feby 11th 1876"

Respectfully
Harry R. Comly
Chief Clerk.

C. B. No 9 - An Act to amend Sec 11 of an Act entitled An Act to provide for biennial Elections in the Territory of Montana Approved Feby 11th 1876 - was read 1st and 2nd time and referred to Committee on Elections

C. B. No 7 - An Act to prevent the trespassing of animals upon private property - was read 1st & 2nd time and referred to Judiciary Committee.

H. B. No 8 - An Act in relation to Canadian Money and H. J. M. No 3 - In reference to change in system of Land Surveys: returned from the Council with notice of passage were ordered Enrolled.

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk.

Eleventh Day

House of Representatives
Jany 23rd 1879

House met pursuant to adjournment.

Mr Speaker in the chair.

Roll called - Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved.

Mr Speaker announced that he appointed the Members of the "House Committee on Printing" as the Committee upon the part of the House, contemplated in H. J. R. No 3 - In relation to "printing Contract".

The following report from the Committee on Printing was received

Mr Speaker: Your Committee on Printing to whom was referred H. B's No 14 and No 15 - hereby report the same correctly printed
Harrington
Chairman

The Committee on Elections reported as follows.

Mr Speaker: Your Committee on Elections to whom was referred C. B. No 9 - being an act to amend Sec 11 of an act entitled an act to provide for biennial elections in the Territory of Montana" beg leave to report that they have had the same under consideration and report the same back to the House with the recommendation that it do not pass.
Beach
Chairman.

The Committee on Federal Relations reported as follows:

Mr Speaker: Your committee on Federal Relations to whom was referred House Joint Memorial No 4 - in relation to confining Indians on their reservations and consolidation of Military Departments" beg leave to report that they have had the same under consideration and would recommend that the same be amended as follows. by inserting after the word "who" in the thirty first line the words annually pass through the Counties of Beaverhead. Madison and Gallatin and" And after the word "the" in same line insert the words "[illegible] us and in some in [illegible] the" Strike out the words "Cou in the thirty eighth line and insert in lieu thereof the words "Counties of Missoula, Deer Lodge, Lewis and Clarke, Choteau and Meagher" And strike out the word "Cavalry" in the Sixty fifth line and insert in lieu thereof the word "Infantry" And as thus amended that the Bill do pass.

Stuart
McElroy
Barbour
Combs
Edwards

Report was adopted

And the memorial with amendment referred to Committee on Engrossment.

The Committee on Territorial Affairs reported as follows:

Mr Speaker: Your Committee on Territorial Affairs to whom was referred H. B. No 12 Entitled "An Act to encourage the Killing of Wild Beasts" having had the same under consideration would report as follows. That whilst its a well known fact that distruction has followed the ravages of those Beasts in some Sections of the Territory. Your Committee has been informed that not less than 20.000 pelts of one specie of those Beasts have been shipped from the Territory during one year. Your Committee would therefore call your attention to the heavy draft that would annually be made upon the Territorial Treasury under the provisions of this act, and would beg leave to report the Bill back to the House with the recommendation that it do not pass

Sweeny
Chairman

Report was adopted.

The following Message was received from the Governor

Territory of Montana
Executive Department
Helena January 23d 1879.

To the
Legislative Assembly

I have the honor to submit for the information of the Legislative Assembly a statement showing the amount reported as paid by [illegible] Counties [illegible] the year 18[illegible] [illegible] the trial and conviction of persons charged with the crime of felony.

Beaverhead County		1628.70
Lewis & Clarke	"	1967.55
Madison	"	1050.00
Missoula	"	194.55
		4840.80

No report has been received from Deer Lodge County. The other Counties report they have incurred no expense during the year for the purposes above stated.

Respectfully
B. F. Potts.

The Committee on Enrollment reported as follows.

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that H. J. M. No 1 - asking Congress for further appropriations to defray expenses of the 11th Legislative Assembly of Montana was presented to the Governor at 3:05 P.M. Jan 22d 1879.

Forbis.

The Committee on Education and Labor reported as follows

Mr Speaker: Your Committee to which was referred H. B. No 14 Entitled Sunday Law would beg leave to report the same back to the House with the following amendment. Amend by striking out the words found in line four of printed copy (or at private sale). With this amendment Your Committee would recommend that the Bill do pass

Thorpe
Chairman.

The Committee on Federal Relations reported as follows:

Mr Speaker: Your Committee on Federal Relations to whom was referred the Memorial of the Constitutional Convention of California on the subject of Chinese imigration have had the same under consideration and beg leave to report that in accordance with the request therein contained they have prepared the accompanying memorial to the President and Senate of the United States.

Stuart
Chairman

Notices of the introduction of Bills were given as follows

By Mr Beach.

a A Bill for an Act concerning the appropriation of moneys collected for license taxes.

By Mr Sanders.

A Bill for an Act enabling towns and villages to obtain a supply of Water. Also A Bill for an Act concerning Corporations.

By Mr Robinson.

A bill for an Act to change the name of "Sing On" to the name of George Taylor"

By Mr McElroy.

A bill in relation to the taxing of hay also. A bill in relation to the attaching the wages of Laborers in the hands of Employers. Also. A bill for an Act to repeal Section 156 of the criminal laws of Montana Territory approved January 12th 1872.

By Mr Marian

A bill to amend an Act relating to irrigation and water rights.

By Mr Hamilton.

An Act for the relief of St Johns Hospita

The following message was received from the Council.

Council Chamber
Jany 22d 1879

Mr Speaker: I am directed by the Council to inform the House- That Ives introduced C B No 12- "An Act to enlarge Homesteads", That H C R No — requesting County Clerk of Missoula Co to furnish information has passed the Council and is transmitted

Respectfully
Harry R Comly
Chief Clerk.

H. C R. asking Co Clerk of Missoula County to furnish certain information was ordered enrolled and Clerk instructed to transmit a Copy to said Co Clerk.

H. B. No 18- Entitled "Round up and Estray Law" was read 1st and 2d time and referred to Committee on Grazing and Stock-growing.

H. B. No 20- An Act to amend the Revenue Law was read 1st and 2d time and referred to Committee on Ways and Means.

H. B. No 19 - An Act to encourage Steamboat Navigation on the upper Missouri River, was read 1st and 2d time and referred to Committee on "Internal Improvements."

H. J. M. No 6 - In regard to transfer of Indian Affairs to War Department, was read 1st and 2d time and Mr Robinson offered the following amendment - Insert after the words "past experience of our people" the following - And that from such experience we have at least learned to doubt the good faith and honesty of the greater number of the Agents now and heretofore in charge of the several tribes.

H. B. No 14 - Entitled "Sunday Law" reported back from Committee on Education and Labor with amendment and recommending its passage was referred to the Engrossment Committee.

H. B. No 15 - to reapportion Members of the Legislative Assembly reported from Printing Committee correctly printed was referred to Committee on Territorial Affairs.

H. J. M. No 4 - In reference to confining Indians on their Reservations, reported back from Committee on Federal Relations with amendments was referred to Committee on Engrossment.

On motion House took a recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed - Mr Speaker in the Chair.

Roll called. Quorum present

Mr Speaker announced the business before the House to be the motion of Mr Robinson to amend H. J. M. No. 6 -

Mr Sweeney moved to refer the Memorial together with amendment to the Committee on Military Affairs which motion prevailed.

H. J. M. No 5 - In regard to Chinese Immigration was read 1st and 2d time and Mr Sanders moved to strike out the word "Religion" where it occurs and insert before the word "habits" the word "or" which amendment was adopted.

Mr Sanders moved to amend by striking out the word "all" in the bill and insert in lieu thereof "to a majority of the Members of this Legislative Assembly

Mr Hamilton moved to amend the amendment by substituting the words. It is a matter of common report well known to all" which motion prevailed and the Memorial with amendments was referred to the Committee on "Federal Relations"

H B. No 12 – An Act to encourage the Killing of Wild Animals was read a 3d time and on motion of Mr Sanders the rules were suspended and the Bill recommitted to the Committee on "Grazing and Stock-growing"

H B. No 9 – An Act to amend Sec 11 of an act entitled An Act to provide for biennial elections in the Territory of Montana approved Feby 11th 1876 – was read a 3d time and lost by the following Vote.
Those voting Aye were – Fergus
Those voting No were – Beach. Boardman. Boyer. Brooke Combs. Cornick Edwards Forbis. Hamilton. Harrington Marian. McCormick. McElroy. Mood. Perkins. Robinson Sanders. Stull Stuart. Swinny. Thorpe Wilson Mr Speaker – 23.
Absent – Mr Noyes. Mr Barbour.

On motion of Mr McCormick H B. No 3 – with Substitute being a Bill in relation to Swine" was taken from the Table and referred to the Committee on "Grazing and Stock-growing"

On motion of Mr Stull the House adjourned.

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk

Twelfth Day

House of Representatives
Jany 24th 1879.

House met pursuant to adjournment.

Mr Speaker in the Chair

Roll called. Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

Council Chamber
Jan 23d 1879.

Mr Speaker.

I am instructed by the Council to inform the House That: The following notices were given.
"By Ives of a bill for "An Act to provide for a tax on the gross proceeds of quartz mines". "By Holter of a bill for "An Act fixing the rate of interest on Territorial Warrants". "By Kennon of a bill for "An Act to change the name of Sarah A Merrill to that of Sarah A. Murdock.
That H. J. M. No 2 - In relation to the improvement and repair of the Mullen Road" has passed the Council and is transmitted

Respectfully
Harry R. Comly
Chief Clerk.

Mr Edwards presented a Petition from Citizens of Gallatin County asking repeal of an Act entitled an Act to consolidate certain Co offices of Meagher Choteau and Gallatin Counties The Petition was read referred to Committee on Education and Labor

H. J. M No 2 - reported from the Council with notice of its passage was ordered Enrolled.

Mr Brooke from the Committee on Grazing and Stock-growing reported as follows:

Mr Speaker: Your Committee on Grazing and Stock-growing to whom was referred H B No 3 - An Act in relation to Swine" beg leave to report the same back with the following amendments to strike out the words "first of April and insert in lieu thereof the words first of March. Also strike out the words twenty five and insert in lieu thereof the word "ten" - All of which is respectfull[illegible]mitted

The report was adopted and the Bill as amended ordered Engrossed.

Mr Harrington from the Engrossment Committee reported as follows.

Mr Speaker: Your Committee on Engrossment to whom was referred H. B's No. 5 and No 14 - have examined said Bills and hereby report them correctly Engrossed.

Also as follows:

Mr Speaker: Your Com on Engrossment to whom was referred H J M. No 4 have examined the same and find the same correctly Engrossed.

Harrington

The Judiciary Committee reported as follows.

Mr Speaker: The Judiciary Committee to which was referred H. B. No 1 - beg leave to report that it has considered said Bill and beg leave to report a Substitute herewith submitted therefor - which it recommends do pass.

Robinson
Chairman

Also as follows.

Mr Speaker: The Judiciary Committee to which was referred H B. No. 16 - a bill for an act concerning the County of Custer. beg leave to report that it has had said Bill under consideration and would recommend that so much of Sec 4 - as reads as follows to wit: in consideration of the efficiency. courage. eminent services and prudence of Col Nelson A. Miles. Col of the - Cavalry be stricken out

With said amendments Your Committee recommend that said Bill do pass

Robinson
Chairman.

Also as follows

Mr Speaker: Your Committee on the Judiciary to which was referred H. B. No 7 - A Bill for "an act to prevent the trespassing of animals on private property" has had the same under consideration. Your Committee recommends that the Bill be amended by inserting after the word "animals" in line 4 of page 2 the words "the said animals". Also that the same be amended by adding thereto the following:

Sec 2. That chapter 4 of An Act revising, reenacting and codifying the general and permanent laws of Montana Territory approved January 12th 1872. concerning the trespassing of animals on private property be and the same is [illegible] pealed [illegible] amended by striking out the words "the same may be posted under the Estray laws of the Territory" where they occur in the Bill. And that as so amended that the Bill do pass.

Robinson
Chairman.

H.B. No 16 - An Act concerning the County of Custer was reported back from the Judiciary Committee with amendments: the amendments adopted and Bill ordered Engrossed.

H.B. No 7 - An Act to prevent the trespassing of animals upon private property was reported from the Judiciary Committee with amendments ~~the amendments~~ were adopted and ordered Engrossed.

Mr Sanders offered the following Resolution

Resolved: That the members of this House hereby express their thanks to Mr Robert E. Strahorn for the copies of "The New West" which he has placed upon their tables and which graphically describes the Topography and resources of the Territory with fidelity.

Resolution was adopted

On motion the Substitute for H.B. 1 - "An Act in relation to Notaries Public" reported by the Judiciary Committee was adopted and Mr Sanders moved to suspend the rules and put the Substitute upon its final passage which motion prevailed and the bill was passed by the following Vote.

Those voting aye were. Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton Harrington. Marion. McElroy. Mood. Noyes. Perkins Robinson Sanders. Stall. Stuart. Sweeney. Thorpe. Wilson Mr Speaker - 25. Absent Mr McCormick.

Title was agreed to.

Mr Forbis introduced the following Resolution.

Resolved. That House Rule No 6 be amended to read as follows to wit: No member shall speak more than twice on the same subject without leave of the House nor more than once until every member choosing to speak on the question pending shall have spoken. Nor shall any member occupy the floor for a longer period than five minutes at one time without the consent of the House.

Mr Beach moved to amend the Resolution by striking out the word "five" and inserting in lieu thereof the word "fifteen" On Motion of Mr Sanders the Resolution was made the Special Order for 2½ O'clock P.M. January 31st 1879.

Mr Noyes introduced the following Resolution.

Resolved By the House of Representatives the Council concurring, that the Legislative Assembly do adjourn on Wednesday the 12th day of February 1879. Sine die

Noyes.

On motion of Mr Sanders the Resolution was made the Special Order for 3 Oclock P.M. January 31st 1879.

Mr Robinson Introduced H. B. No 21 - An Act to change the name of Sing On to that of George Taylor which was read 1st and 2d time and referred to Committee on Education and Labor

Mr Fergus Introduced H. B No 22 - To establish and regulate fees of Assessors which was read 1st and 2d time and Mr Robinson offered the following Amendment. "That the County of Deer Lodge shall be exempt from the operation of the Act". Mr Hamilton moved to amend the Amendment by inserting after the words "Deer Lodge" the words "Choteau County" the amendment to the amendment was accepted when the motion to adopt the amendment was lost.

Mr Robinson then offered the following Amendment. Insert the words "One mill" in lieu of the words "three quarters of a mill"

On motion of Mr McCormick the House took a recess until 2 Oclock P.M.

2. Oclock P.M.

House resumed. Mr Speaker in the Chair.

Roll called - Quorum present

Mr Sweeney on leave of the House presented a Petition from Citizens of Lewis and Clarke County urging passage of "An Act concerning Limitations" now pending in the Legislative Assembly which was referred to Judiciary Committee.

Mr Forbis from the Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that they have examined and compared H. J. R. requesting the County Clerks of Missoula County to furnish such data

Also H. J. M. No. 3 - relating to the change in the System of Public Surveys
Also H. B. No 8 - entitled "An Act in relation to Canadian Money"
and find such correctly enrolled.

Forbis.

Mr Speaker: Announced the Order of Business to be the consideration of the Amendment offered by Mr Robinson to H. B. No 22 - "An Act to establish and regulate the fees of Assessor. and the ayes and Noes being called for the Amendment was lost by the following vote:

Ayes - Marion. McElroy. Noyes. Robinson. - 4.
Noes - Beach. Boardman. Boyer. Brooks. Coombs Cornick.
Edwards. Fergus. Forbis. Hamilton. Harrington.
McCormick. Mood. Perkins. Sanders. Stull. Stuart.
Sweeney. Thorpe. Wilson. Mr Speaker. - 21.

The Bill was then referred to the Committee on Ways and Means

Mr Fergus Introduced H. B. No 23 - An Act to establish and regulate the fees of Treasurer. which was read 1st and 2nd time and referred to Committee on "Ways and Means" Also - H. B. No 24. An Act to Amend Section 18. of an Act concerning printing which was read 1st and 2nd time and referred to the Committee on "Ways and Means"

The following Message was received from the Council.

Council Chamber
January 24th 1879.

Mr Speaker: I am instructed by the Council to inform the House that: The Council has ordered the Report of the Historical Society. to be transmitted to the House. which is done accordingly. The following Bills were introduced - By Sanders - C. B. 14 - "An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U. S. Penitentiary at Deer Lodge".
By Holter. C. B. 15 - An Act fixing the rate of interest on Territorial Warrants.

Respectfully
Harry R. Comly
Chief Clerk.

Also the following:

Council Chamber
January 24th 1879.

Mr Speaker: I am instructed by the Council to inform the House that: Kennon gave notice of a bill for. An Act to provide for the more efficient Collection of the Special Poor and Special Road tax and to amend the Act prescribing the qualifications of Voters" ~~That Kennon introduced C. B. No 16.~~
A bill for "An act to change the name of Sarah A. Merrill to Sarah A. Murdock" which has passed the Council and is transmitted. Respectfully - Harry R

C. B. 16- transmitted with above communication was read 1st and 2d time and referred to the Judiciary Committee

On motion H. B. No 17- with report from Judiciary Committee was recommitted.

On Motion the House adjourned.

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk.

Thirtieth Day.

House of Representatives
January 25th 1879-

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved.

The Report of the Historical Society. transmitted from the Council was on motion of Mr Sanders referred to the Committee on Education and Labor.

Mr Speaker announced that he was about to sign H. B. No 8. An Act in relation to Canadian Money. Also- That he was about to sign H. J. M No 3- In reference to Surveys of Public Lands." Also- That he was about to sign H. C Resolution requesting County Clerk of Missoula County to furnish certain data.

H. B. No 5- An Act to enable the County of Gallatin to erect a Court House and Jail was read a 3d time and passed by the following Vote. Voting ayes were- Barbour. Beach. Bourdeau Boyce

Harrington. Marian. McCormick. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stell. Stuart. Sweeney. Thorpe. Wilson Mr Speaker. — 26 —

Title was agreed to.

H. B. No 14 - Entitled "Sunday Law" was read a 3d time and Mr Forbis moved to suspend the rules and that the Bill be recommitted to the Judiciary Committee which motion prevailed and the Bill was so referred.

H. J. M. No 4 - In relation to confining Indians on their Reservations" was read a 3d time and passed by the following Vote:
Barbour. Beach. Boyer. Brooke. Combs. Cornick Edwards. Fergus. Forbis. Hamilton. Harrington. Marian. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stell. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker. — 24.
Absent Messrs Boardman. and McCormick.

The Committee on Military Affairs reported as follows:

Mr Speaker: Your Committee on Military Affairs to which was referred. H. J. M. No 6 - requesting transfer of Indian Affairs to the War Department has had the same under Consideration and recommend that the same be amended by striking out the first word "that" in line 17. and that as so amended that the Memorial do pass. All of which is respectfully submitted.

W. L. Perkins
Chairman

The report was adopted and on motion of Mr Sanders the Clerk so amended the Memorial in the presence of the House.

Mr Sanders then moved a suspension of the Rules that the Memorial be considered Engrossed and put upon its final passage which motion prevailed and H. J. M. No 6, was passed by the following Vote:
Those voting Ayes were - Beach. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marian. Mood. Noyes. Perkins. Robinson. Sanders. Stell. Stuart. Sweeney. Thorpe. Wilson Mr Speaker 22
Those voting No were. Barbour. McElroy - 2 -
Absent McCormick and Boardman.

The Committee on Education and Labor reported as follows:

Mr Speaker: Your Committee on Education and Labor to whom was referred H. B. No 21- Entitled An Act to change the name of Sing Ou to George Taylor, would beg leave to report as follows: That they have had the same under consideration and as we deem the subject of this Proposed Legislation wholly foreign to the duties of this Legislative Assembly and as such action would seem to establish a precedent that ought to be avoided as far as possible we would respectfully recommend that the Bill do not pass.

Thorpe
Chairman

Upon the question of the adoption of the report the Ayes and Noes were called for when the following Members voted Aye as their names were called.

Barbour. Beach. Brooke. Combs Fergus
Hamilton. Harrington. McCormick. Noyes
Perkins. Sanders. Stull. Stuart. Sweeney
Thorpe. Wilson — 16.

Those voting No were. Boardman. Boyer. Cornick
Edwards. Forbis. Marion. McElroy. Mood. Robinson
Mr Speaker. — 10

Report was adopted.

The Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred C. B. No 16- An Act to change the name of Sarah H. Merrill beg leave to report that it has considered said Bill and recommends that it be amended by adding thereto the word "by" and with said amendment said Committee recommend that said Bill do pass.

Robinson
Chairman.

The report and Amendment recommended were adopted and on motion of Mr Sanders the Clerk was directed to Engross the Amendment to the Bill in the presence of the House. Whereupon the Clerk proceeded to so Engross said amendment

On motion House took a Recess until 2- O'clock P. M.

2-O'clock P.M.

House resumed- Mr Speaker in the Chair.
Roll called. Quorum present
On Motion of Mr. McCormick leave of absence was given Mr Mood for the day-

The Committee on Engrossment reported as follows:
Mr Speaker: Your Committee on Engrossment to whom was referred H.B. No 16- An Act concerning the County of Custer have examined the same and find it correctly Engrossed.

Harrington
Chairman.

The Committee on Territorial Affairs reported as follows:

Mr Speaker: Your Committee on Territorial Affairs to whom was referred H.B. No 15- Entitled An Act to reapportion the Members of the Legislative Assembly" beg leave to report the same back to the House with the recommendation that it be referred to a Select Committee consisting of one Member from each County.

Sweeney
Chairman

The report was adopted:

Mr Speaker designated the Committee contemplated in the report as follows: From Lewis and Clarke County. Mr Sanders. From Madison County. Mr Boyer From Meagher County. Mr Thorpe- From Gallatin County. Mr Perkins- From Choteau County Mr Hamilton. From Deer Lodge County. Mr. Robinson- From Jefferson County Mr Brooke. From Missoula County. Mr McCormick. From Beaver head County. Mr Barbour.

Mr Marian. Introduced H.B. No 25- An Act to amend An Act in relation to irrigation and Water rights. which was read 1st and 2d time and referred to the Committee on Printing.

The following Message was received from the Council:

Council Chamber
January 25th 1879-

Mr Speaker: I am instructed by the Council to inform the House that: The following notice was given- By Gillotte of a Bill for an Act to amend Sections 535 and 533- of the Act relating to Probate Courts and Estates of Deceased Persons.
The following bills have passed the Council and are transmitted
C.B. No 5- "An Act to incorporate the Town of Butte".

And C. B. No 6 – "An Act amendatory of Sec 286 of the Criminal practice Act."

Respectfully
Harry R. Comly
Chief Clerk.

C. B. No. 6 – An Act amendatory of Sec 286 of the criminal practice Act was read a 1st and 2d time and Mr Sanders moved to amend by striking out the last Section which motion prevailed and the Bill was referred to the Judiciary Committee.

C. B. No. 5 – An act to incorporate the town of Butte was read a first and second time and referred to the Judiciary Committee.

H. B. No. 21 – An Act to change the name of "Sing Ou" to the name of George Taylor was ordered Engrossed.

H. B. No. 16 – An Act concerning the County of Custer was read a 3d time and Mr Sanders moved to suspend the Rules and that the Clerk be instructed to strike out the word "of" in the sixth line of Sec 1 – which motion prevailed. Whereupon the Clerk did so strike out the word "of" in the presence of the House and the Bill was placed upon its final passage, and passed by the following Vote: Those voting aye were
Barbour. Beach. Boardman. Boyer. Brooke. Combs
Cornick Edwards. Fergus. Forbis. Hamilton Harrington
Marian. McCormick. McElroy. Noyes. Perkins. Robinson
Sanders. Stall. Stuart. Sweeney. Thorpe. Wilson.
Mr Speaker. 25 –
Noes. None. Absent on leave Mr Mood.
Title was agreed to.

C. B. No 16 – "An Act to change the name of Sarah A. Merrill to that of Sarah A. Murdock was read a 3d time and passed by the following Vote.
Those voting aye were – Barbour. Boardman. Boyer
Brooke. Cornick. Forbis. Hamilton. Marian. McCormick.
McElroy. Noyes Robinson. Wilson. Mr Speaker. 14 –
Those voting No were – Beach. Combs. Edwards. Fergus
Harrington Perkins. Sanders. Stall Stuart. Sweeney.
[illegible] leave Mr Mood. Title was agreed to.

Samuel Word
Speaker House Representatives

Jas E. Kanouse
Chief Clerk

Fifteenth Day

House of Representatives
January 27th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called. Quorum present

Prayer by the Chaplain

Journal of Thirteenth day read and approved.

The Committee on Education and Labor reported as follows:

Mr Speaker: Your Committee on Education and Labor to which was referred that portion of his Excellency the Governor's Message relative to the propriety of making a liberal appropriation for the collection, printing, and distribution of matter descriptive of the resources, and climate of Montana, would beg leave to report as follows: In view of this your Committee have received a proposition from Robert E. Strahorn Esqr. of Omaha Editor of the New West which is herewith transmitted, and as this proposition seems quite liberal, and well calculated to serve the end desired. Your Committee would respectfully recommend that an appropriation be made to pay the cost of Ten thousand copies of such pamphlet. Your Committee would also state that a bill will be prepared, and introduced at an early day with a view to this end.

Thorpe
Chairman

The communication referred to in, and accompanying the re-
[illegible]

Helena Montana
January 24th 1879

To the Committee on Education and Labor House of Representatives of Montana Territory:

Gentlemen.

As Members of your honorable body have expressed a desire to make provision for the distribution of immigration documents of some kind: I take pleasure in volunteering the following proposition which if accepted will at least partially answer the demand in a very economical way. My forthcoming book "To the Rockies and Beyond" will contain some seventy five pages devoted exclusively to the resources of Montana and the attractions of Yellowstone Park. This will include a revision of the matter which recently appeared in the "New West" - I will give the benefit of my labor and the use of the type of the Montana matter free and furnish a finely printed well illustrated pamphlet of say seventy five pages at the mere cost of paper presswork and binding - Having nothing to pay for the compilation of the work or the type-setting the Territory can thus be furnished with the document at six and one half (6½) cents per copy in an edition of 10.000 copies, or at five and one half (5½) cents per copy in an edition of 20.000 copies: For any number less than 10.000 copies the cost will be seven (7) cents per copy

I reserve the right to devote the last three leaves of the pamphlet to advertising my different publication and for the use of such railroad and Steamship Companies Etc - as may desire to bid for the Montana travel and trade - I should probably state that the above estimates do not include the cost of transportation from Chicago to Montana, but that I will cheerfully use my influence with transportation companies to secure a special low rate

Very Respectfully Yours
Robert E. Strahorn.

The Committee on Internal Improvements reported as follows

Mr Speaker: Your Committee on Internal Improvements to which was referred so much of the Message of the Governor as recommends memorializing Congress to make appropriations to improve the Navigability of the Upper Missouri River and also the Yellowstone River has had the same under consideration and earnestly approves of the views of the [illegible] Your Committee will report a recommendation that it do pass. All of which is respectfully Submitted.

W. F. Sanders – Chairman

The Committee on Printing reported as follows:

Mr Speaker: Your Committee on printing to which was referred H. B. No. 25 – An Act in relation to irrigation and water-rights have examined said bill and find the same correctly printed

Harrington

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to which was referred H. B No 21. An Act to change the name of "Sing Au" to the name of George Taylor have examined said bill and find the same correctly Engrossed.

Harrington

Also as follows:

Mr Speaker: Your Committee on Engrossment to which was referred H. B. No 3 – An Act in relation to Swine have examined said bill and find the same correctly Engrossed.

The following Notices were given.

By Mr Hamilton:

"A bill to amend Section 72. of an act concerning crimes and punishments."

By Mr Stuart

"A bill for the relief of A. C. Botkin."

The following Message was received from the Council:

Council Chamber
Jan 25th 1879 –

Mr Speaker: I am instructed by the Council to inform the House that: Heyde gave notice of the introduction of a bill for "An Act to amend Sec 55 of the Probate Practice Act" That the following have passed the Council and are transmitted. C. C. R. No 4 Concerning Auditor and Treasurer's books – H. J. M. No 4 – "In relation to confining Indians on Reservations" – H. B. No 4 – An Act to provide for the redemption of the Funded Indebtedness of Gallatin County" with amendments which are attached to the Bill. C. B. No 13 – "An Act prescribing the penalty for murder" C. B. No 11 – "An Act concerning Notaries Public"

Respectfully. Harry R. Comly
Chief Cl'k

On motion C. R. No 4 – concerning Auditor and Treasurers Books was adopted.

H. J. M. No 4 – In relation to confining Indians on their Reservations transmitted from the Council with notice of its passage was ordered Enrolled.

H. B. No 4 – "An Act to provide for the redemption of the Funded Indebtedness of Gallatin County" transmitted from the Council with Amendments attached was with Amendments referred to the Committee on Ways and Means"

Mr Forbis introduced H. B. No 26 – A bill for "An Act to provide for holding terms of the District and Probate Courts in the town of Butte, Deer Lodge County. M. T. and to establish Branch County Offices in the town of Butte with Records. which was read a 1st and 2nd time and Mr Sanders moved to Amend. by striking out all after the Enacting clause and insert. "All that portion of Deer Lodge County lying and being south of an East and West line crossing the Deer Lodge River at the Mouth of Warm Spring Creek shall constitute a new County to be known as Stuart County.

The Bill with Amendment offered was then referred to the Committee on "Towns and Counties"

Mr McElroy introduced H. B. No 27 – An Act to repeal Sec 156 of the Criminal Laws" which was read a 1st and 2nd time and referred to the Judiciary Committee.

Mr Hamilton introduced H. B. No 28 – "A bill for the relief of St Johns Hospital" which was read a 1st and 2nd time and on motion of Mr Boardman was referred to the Committee on "Territorial Affairs"

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to which was referred H. B. No 7 – An Act to prevent the trespassing of Animals upon private property with Amendments [illegible] d the Amendment correctly Engrossed.

Harrington.

H.B. No 21- An Act to change the name of "Sing Ow" to the name of George Taylor was read a 3d time and passed.
Those voting Ayes were.
Barbour. Beach. Boardman. Boyer.
Brooke. Cornick. Hamilton Marian. McElroy.
Noyes. Perkins. Robinson. Stull. Sweeny.
Mr Speaker. 15-
Those voting No were. Combs. Edwards. Fergus.
Harrington. McCormick. Mood. Sanders.
Stuart Thorpe. Wilson- 10.
Absent Mr Forbis.

Title was agreed to.

House Bill No. 25- An Act to amend An Act in relation to Irrigation and Water Rights reported correctly printed was referred to the Committee on Agriculture and Manufactures.

H.B. No 3- An Act in relation to Swine was read a 3d time and passed by the following Vote:
Ayes- Barbour. Beach. Boyer. Brooke. Combs
Cornick Edwards. Fergus- Hamilton Harrington
Marian McElroy. Mood. Noyes. Perkins. Robinson
Stull. Stuart. Sweeny. Thorpe. Wilson.
Mr Speaker- 22.
Those voting No were- McCormick. Sanders- 2.
Absent. Messrs. Boardman. and Forbis.

Title was agreed to.

On Motion of Mr Sweeny the House took a Recess until 2:30 P.M.

2:30 P.M.

House resumed- Mr Speaker in the Chair.

Roll called- Quorum present

Absent Messrs Boardman. Robinson. Stull.

On motion Mr Stull was granted leave of absence for the day.

The following Message was received from the Council.

Council Chamber
Jany 27th 1879

Mr Speaker:

I am instructed by the Council to inform the House that: Bills have been introduced.
By Gillette C.B. 17 - A bill for an act to amend sections 535 + 555 of the act relating to Probate Courts + Estates of deceased persons approved 9th Feby 1877."
By Heyde. C.B. 18. An Act to amend Sec 55 of the Probate practice Act"

That the President has appointed Mess Hays and Gillette the Committee on the part of the Council to examine the Auditor's + Treasurer's books as contemplated by C.C.R. No 4 -

Respectfully
Harry R Comly
Chief Clerk.

On motion Mr Robinson was granted leave of absence for the day.

C.B. No 7 - An Act to prevent the trespass ~~ing~~ of animals upon private property being before the House for a 3d reading. Mr Sanders moved to suspend the Rules and re-commit the Bill to the Judiciary Committee which motion prevailed and the bill was so re-committed.

Mr Speaker announced that he appointed Messrs Stuart and Barbour the Committee upon the part of the House as contemplated by C.C.R. No 4 - in regard to Auditor and Treasurer's books

Notices were given as follows:
By Mr McCormick

A bill for An Act for the relief of Wilbur F. Sanders and Wm. E. Cullen.

By Mr Combs.

An Act to encourage the building of

By Mr Sanders.

A bill for "An Act to amend the Helena Incorporation Act"

By leave of the House Mr McCormick from the "Ways and Means" Committee reported as follows:

Mr Speaker.

Your Committee on Ways and Means to which was referred House Bill No 22 - An Act to establish and regulate the fees of Assessor have had the same under consideration and report the same back to the House with the recommendation that it do pass.

McCormick
Chairman.

On motion of Mr Thorpe the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk.

Sixteenth Day.

House of Representatives
Jan 28th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved

The following Message was received from the Council

Council Chamber.
Jany 27 1879.

Mr Speaker.

I am instructed by the Council to inform the House, that

C.B. 8- An Act to consolidate the County offices of Beaverhead and Custer Counties" has passed the Council

That House amendments to C.B. 16. An Act to change the name of Sarah A Merrill to Sarah A. Murdock." were concurred in by the Council and the bill ordered Enrolled.

Respectfully
Harry R. Comly
Chief Clerk.

The following report was received from the Committee on Enrollment

Mr Speaker:

Your Joint Committee on enrollment beg leave to report that they have examined and compared C.B. No 16- entitled An Act to change the name of Sarah A. Merrill to Sarah A Murdock" and find the same correctly Enrolled.

Forbis

Also the following.

Mr Speaker.

Your Joint Committee on enrollment beg leave to report that H. B. No 8 – entitled An Act in relation to Canadian Money" was presented to the Governor at 3.20 P. M. Jany 27th 1879.

Forbis.

Notices of the introduction of Bills were given.

By Mr Stull.

A bill to regulate the Salaries of the Territorial Auditor and Treasurer

By Mr Noyes.

A bill for an act authorizing the Board of County Commissioners of Deer Lodge County to audit and pay certain bills incurred by the Citizens of Deer Lodge County during the Nez Perce War in 1877 –

C. B. No 8 – An Act to consolidate the County offices of Beaverhead and Custer Counties was read a 1st and 2nd time and Mr McCormick moved to amend by striking out Sec 3 – of the Bill.

Bill and amendment were then referred to the Committee on "Education and Labor."

The following Message was received from the Governor:

Territory of Montana
Executive Department
Helena January 27th 1879

To the
Speaker of the House of Representatives

I have the honor to inform the House of Representatives that I have this day approved H. B. No 8 – entitled an act concerning the circulation of Canadian Money. in the Territory of Montana.

Respectfully
B. F. Potts.

Mr Stuart introduced H. B. No 29 – "An Act for the relief of H. C. Bolkin" which was read a 1st and 2nd time and referred to the Committee on Ways and Means.

Mr Fergus introduced H. B. No 30 – A bill in relation to Fees of County Clerks" which was read a 1st and 2nd time and referred to Committee on Printing

Mr Combs introduced H. B. No 31 – An Act to encourage the construction of Rail Roads in Montana" which was read a 1st and 2nd time and Mr Robinson moved to indefinitely postpone.

Mr Combs moved to commit to the Committee on "Internal Improvements". Mr Forbis moved to amend the motion of Mr Combs by referring the Bill to Committee on Printing which amendment was accepted and the Bill was so referred.

Mr Speaker announced that he was about to sign C. B. No 16 – An Act to change the name of Sarah A. Merrill to Sarah A Murdock."

Mr McCormick by leave of the House introduced H. B. No 32 – An Act for the relief of Wilbur F. Sanders and Wm. E. Cullen which was read a 1st time and Mr Robinson moved to reject the bill which motion was lost and the bill read a 2nd time and referred to the Committee on "Ways and Means"

On motion of Mr Forbis the House adjourned to 10 O'clock A M. Jany 29th

Samuel Word
Speaker House Representatives

Jas E. Kanouse
Chief Clerk

Seventeenth Day

House of Representatives
Jany 29th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved.

The following Message was received from the Council.

Council Chamber
Jan 28th 1879.

Mr Speaker.

I am directed by the Council to inform the House that the following bills have passed the Council and are transmitted. H.B. 21- An Act to change the name of "Sing An" to George Taylor" H.J.M. 6 - Requesting transfer of Indian affairs to War Department". H.B.1 - An Act in relation to Notaries Public" H.B 16 - An Act concerning the County of Custer" with amendment - C.B. 2 - An Act to provide for licensing Commercial Travelers"
"C.B. 3 - An Act to provide for the compensation of Kerley. McQuaid and La Croix".

Respectfully
Harry R. Comly
Chief Clerk

also the following.

Council Chamber
Jan 28th 1879

Mr Speaker.

I am instructed by the Council to inform the House. that:

The following notices of the introduction of bills were given. By Kennon. "An Act to provide for the support and maintainance of the Phillipsburg Fire Department. By Holter. An Act concerning incorporations".

That H B No 5 -

[illegible]

and Jail" has passed the Council with amendments and is transmitted

Respectfully
Harry R. Comly
Chief Clerk.

Mr Robinson presented a petition from Citizens of Deer Lodge County in regard to laws exempting Rail Roads from taxation.

The Committee on Printing reported as follows

Mr Speaker. Your Committee on Printing to whom was referred H. B. No 22 - A Bill for an Act to establish and regulate the fees of Assessors - have examined said bill and find the same correctly printed.

Harrington
Chairman

Also as follows

Mr Speaker. Your Committee on printing to whom was referred H. B. No 30 - An Act in relation to the fees of County Clerks have examined said bill and find the same correctly printed.

The Committee on Enrollment reported as follows:

Mr Speaker. Your Joint Committee on enrollment to which was referred C. B. No 16 - Entitled an Act to change the name of Sarah A. Merrill to Sarah A Murdock was presented to the Governor at 2:45 P. M Jan 28th 1879.

Forbes
Chairman.

Mr McCormick from the Ways and Means Committee made the following report

Mr Speaker: Your Committee on Ways and Means to which was referred H. B. No 4 - a bill for an Act to provide for the redemption of the funded debt of Gallatin County have had the same together with Council Amendments thereto under consideration and beg leave to report the recommendation that the except the amendment designated as Sec 10. And as to that Amendment. Your Committee recommend that the House do not concur. All of which is respectfully submitted.

McCormick.

Report was adopted.

And Council Amendments to H. B. No 4. were considered separately and adopted with the exception of Sec 10 of said amendments. in which amendment the House did not concur and the Clerk was instructed to so notify the Council.

Mr McCormick moved that the Council be requested to recede from the amendment numbered "Sec 10" which motion prevailed and the Clerk was directed to transmit said request to the Council.

H. B. No 30 – An Act in relation to fees of County Clerks reported correctly printed was referred to the Judiciary Committee

The Committee on Engrossment reported as follows.

Mr Speaker Your Committee on Engrossment to whom was referred H. B. No 22. A Bill for An Act to establish and regulate the fees of Assessors have examined said Bill and find the same correctly Engrossed. Harrington

Chairman.

The Committee on Education and Labor reported as follows.

Mr Speaker. Your Committee on Education and Labor to which was referred C. B. No 8 – An Act to consolidate the County Offices of Beaverhead and Custer Counties would report the same back to the House and recommend that the bill do pass.

Thorpe

Chairman.

The Committee on Grazing and Stock-growing reported as follows.

Mr Speaker: Your Committee on Grazing and Stock-growing to whom was referred H B. No 12 – respectfully submit the accompanying bill as a Substitute with recommendation that the Substitute be adopted.

Brooks.

The Substitute for H B 12 – Entitled "Bounty Act" reported from the Committee on Grazing and Stock-growing was read adopted and ordered Engrossed.

Mr Sweeney gave notice of the introduction of A bill for An Act to provide compensation for the Fire Warden for the Town of Helena.

H. B. No 5 - An Act to provide for the redemption of the funded indebtedness of Gallatin County transmitted from the Council with amendments was with the Council Amendments referred to the Committee on Ways and Means.

H B No 21 - An Act to change the name of "Sing On" to George Taylor. H. J. M. No 6 - In regard to transfer of Indians to War Department. And H. B. No 1 - An Act in relation to Notaries Public were ordered enrolled.

The Council Amendments to H. B. 16 - An Act concerning the County of Custer were adopted and the Bill ordered enrolled.

C B No 2 - An Act to provide for licensing Commercial Travelers was read a 1st and 2d time and referred to the Judiciary Committee.

C. B. No 3 - An Act to provide for the compensation of Kirley McQuaid and La Croix was read a 1st and 2d time and referred to the Committee on Ways and Means.

The following Message was received from the Governor.

Territory of Montana
Executive Department
Helena January 28th 1879.

To the
Legislative Assembly

It is with regret that I transmit a copy of a communication from N. S. Vestal Esq. withdrawing his proposition to purchase the indebtedness of the Territory at six per cent interest. This proposition was sought of Mr Vestal in good faith and was made in the same spirit.

If the Legislative Assembly has not

in which it was ma

The following communication accompanied the foregoing

Helena Montana
Jany 2./79

Gov B. F. Potts.
Dear Sir.

I desire to withdraw my communication to you submitting certain propositions in regard to the debt of the Territory: You are well aware that I have been actuated by the best motives in this matter and with a desire and expectation to fulfill my promises. having made arrangements to this end which I expected would be satisfactory to everyone.
I find however that my motives and good intentions have been doubted in the amendments to the original bill passed yesterday by the Council. and I cannot do otherwise than withdraw the proposition and look elsewhere for the desired investment.

With assurances of esteem. I remain &c

(Sig) N. S. Vestal

A true copy.
H. W. Hoover. Private Secretary)

Mr McElroy introduced H. B. No 34. An Act to exempt hay from taxation" which was read a 1st and 2d time and referred to the Committee on Grazing and Stock-growing.

Mr Beach introduced H. B. No 33 - "An Act concerning the appropriation of moneys collected for license tax" which was read a 1st and 2d time and referred to the Committee on the Judiciary

Mr Hamilton introduced H. B. No 35 - An Act to amend an Act concerning crimes and punishment which was read a 1st and 2d time and referred to the Committee on Printing.

H. B. No 22 - An Act to establish and regulate the fees of Assessors reported from the Committee on Engrossment correctly engrossed was read a 3d time and passed by the following Vote:
Those voting ayes were.
Beach. Boardman Boyer. Brooke. Combs Cornick. Edwards. Fergus. Forbis. Hamilton. McCormick. Mead. Perkins. Sanders. Stall. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker - 20.
Those voting No were.
Barbour Harrington. Marion. McElroy Noyes. Robinson - 6.

C. B. No 8 — An Act to consolidate the County Offices of Beaverhead and Custer Counties reported from the Committee on Education and Labor recommending its passage was read a 3rd time and passed by the following vote:

Those voting Aye were.

Barbour. Beach. Boardman
Boyer. Brooke. Combs. Cornick. Edwards. Fergus.
Hamilton. Harrington. Marion. McElroy. Mood.
Noyes. Perkins. Robinson. Sanders. Stall. Stuart
Thorpe. Wilson. Mr Speaker. 23.

Those voting No were. Mr Sweeney. 1.

Absent Messrs Forbis and McCormick.

Title was agreed to.

Mr Brooke by consent of the House introduced H. J. M. No 7 — Asking of Interior Department that Citizens be allowed right of Way for Stock over Crow Reservation which was read a 1st and 2nd time and referred to the Committee on Federal Relations

On motion of Mr Hamilton the House took a Recess until 2: O'clock P.M.

2: O'clock P.M.

House resumed. Mr Speaker in the Chair.

Roll called. Quorum present

The following message was received from the Council

Council Chamber
January 29th 1879.

Mr Speaker. I am instructed by the Council to inform the House. that:

C B 18 — An Act to amend Sec 55 of the "Probate Practice Act" has passed the Council and is transmitted

Respectfully
Harry R. Comly
Chief Clerk

C. B. No 18 - An Act to amend Sec 55 of the Probate Practice Act transmitted from Council with above communication was read a 1st and 2d time and referred to the Committee on Judiciary

On leave of the House the Judiciary Committee presented the following report

Mr Speaker. The Judiciary Committee to which was referred C B No 11 - A bill for an Act concerning Notaries Public beg leave to report that it has considered said Bill, that the only change in the present law which would be effected by said Bill would be to extend the term of office one year, which there would be no object in doing. Wherefore your Committee recommend that said Bill do not pass. All of which is respectfully submitted

J. C. Robinson
Chairman.

Also the following

Mr Speaker. The Judiciary Committee to which was referred H B No 27 - A bill for an Act to amend Sec 156 of the Criminal Law beg leave to report - That it has considered said Bill and recommend that it do not pass.

Robinson
Chairman.

Also the following Minority Report

Mr Speaker: A minority of the Judiciary Committee to which was referred Council Bill No 1 - A bill for an Act concerning limitations beg leave to report that it has had said Bill under consideration and recommend that whereas said Committee believe that a large majority of the people of the Territory favor said bill, and are dissatisfied with the present limitation laws and notwithstanding said Committee believe that the present limitation laws are more salutary to the people of this Territory, said Committee therefore recommend that said Bill do pass.

J. C. Robinson
W. J. McCormick
Minority of Committee.

Also the following report of the Judiciary on H. B. No 9 -

Mr Speaker: The Judiciary Committee to which was referred H B No 9 a bill for an Act in relation to Estray Horses for the benefit of Public Schools beg leave to report that it has had said Bill under consideration and recommend that the same do not pass

Also the following Majority report from the Judiciary Committee

Mr Speaker: A majority of your Committee on the Judiciary being of the opinion that C. B. No 1 - "An Act concerning limitations" ought not to pass beg leave to dissent from the recommendation of a minority of the Committee. We are not satisfied that a majority of the People of the Territory desire its passage nor are any arguments presented for our consideration which do not equally apply against all limitation laws whatever. Every man ought to pay what he owes or surrender what is not his own to the owner without reference to the lapse of time since the debt was created or the wrongful possession taken. But claims to property or of debts due ought to be asserted when the memories of men as to the transactions involved are fresh and before the witnesses are dead or widely scattered. to the end that persons may be protected against fraudulent claims preferred when defendants are laboring under these disadvantages. These arguments need no elaboration or enforcement where population is variable and transient these difficulties are greatly augmented and hence it occurs, that limitations laws are more stringent in new and mining communities than elsewhere. And they are justly so: Beside changes in the laws are deleterious and frustrate the purposes of all Limitation Laws of any kind. The instances under which a defendant can avail himself of a Statute of Limitations in Montana on claims of ten or fifteen years existence it is not believed now cover ten per cent of the transactions occurring in the Territory during that time owing to the uneasy and feverish desire for change. As a consequence our people are now subject to have preferred against them stale demands without the adequate protection of the Statute of Limitations. And this condition of things must continue so long as change in the Law continues - Your Committee is of the unanimous opinion that the present law is a salutary one subserving the interests of business. protecting citizens against fraudulent claims giving ample time to all to enforce just claims in a business way. And we recommend that the bill do not pass. All of which is respectfully submitted.

W. F. Sanders
Jas A Forbis

H. B. No 27 - "An Act to repeal Sec 156 of the Criminal Laws" reported from the Judiciary Committee was on motion recommitted to the Judiciary Committee

H B No. 9 - "An Act in relation to Estray Horses for the benefit of Schools" was ordered Engrossed for a 3d reading.

Mr Hamilton on leave introduced H. B. No 36 - An Act to regulate the sale of intoxicating liquors which was read a 1st and 2d time and Mr Robinson moved to amend by striking out the word "twenty" and inserting in lieu thereof the word "five". The amendment was adopted.

On motion of Mr Sanders the Rules were suspended and the Bill ordered Engrossed for a 3d reading.

On motion of Mr McCormick the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk.

Eighteenth Day

House of Representatives
January 30th 1874.

House met pursuant to adjournment

Mr Speaker in the Chair. Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved

The following Message was received from the Council.

Council Chamber,
Jany. 30th 1874.

Mr Speaker,

I am directed by the Council to inform the House that Kennon introduced.

C.B. 22- An act to provide for a more efficient collection of the special poor tax and the special road tax and to amend the Act prescribing the qualifications of Voters.

Respectfully
Harry R. Comly
Chief Clerk.

The Committee on Ways and Means reported as follows:

Mr Speaker.

Your Committee on Ways and Means to which was referred H. B. No. 5- "An Act to enable the County of Gallatin to erect a Court House and Jail" with amendments of Coun to the Bill. have had the same under consideration and beg leave to report the same back to the House with the recommendation that the House concur in all of the Council amendments to said Bill except the amendment designated as Section ten (10)

And as to that amendment your Committee recommend that the House do not concur. All of which is respectfully submitted

McCormick
Chairman

Mr Speaker

Your Committee to which was referred H B No 29 – An Act for the relief of A. C. Botkin" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do pass

M^c^Cormick
Chairman

The following Message was received from the Council

Council Chamber
Jan 29th 1879

Mr Speaker.

I am directed by the Council to inform the House that:

The Council has receded from its amendment of Section 10 to H B 4 "An Act to provide for the redemption of the funded indebtedness of Gallatin Co.

Hickman introduced C B 21 – An Act concerning fire insurance Companies and Agents" C B No 4 "An Act to provide for the funding the outstanding 12 per cent bonds of Jefferson Co M T. and C B 14 – An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U. S. Penitentiary at Deer Lodge" have passed the Council and are transmitted

Respectfully
Harry R. Comly
Chief Clerk.

Mr McCormick from the Ways and Means Committee made the following report on H. B. No 23.

Mr Speaker. Your Committee on Ways and Means to which was referred H B No 23 – An Act to establish and regulate the fees of Treasurers" have had the same under consideration. and beg leave to report the same back to the House with the following amendments to wit: Amend Section One by striking out the word four (4) in line four. and insert in lieu thereof the word six. Also amend Section one (1) by striking out the word "and" in line seven (7) and insert in lieu thereof the word "or" – Also amend Section one by striking out all of lines nine (9) ten (10) eleven (11) and twelve (12) beginning and including the word "if or" in line nine (9) to and inc word "Treasurers" in line thirty two (32) the words "now or"

With these amendments Your Committee recommend that the Bill do pass

McCormick
Chairman

Mr Sanders moved that the House do not concur in Sec 10 of Council Amendments to H B No 5 - An Act to enable the County of Gallatin to erect a Court House and Jail and that the Council be requested to recede from the same which motion prevailed.

On Motion of M McCormick all other amendments by the Council to said H B. No 5 were concurred in

H. B. No 29 - An Act for the relief of A. C. Botkin, reported from the Committee on Ways and Means, being before the House for amendment on committment, Mr Sanders moved to amend by striking out the words "twenty five" and inserting "eighteen" in lieu thereof. upon which question the Ayes and Noes were called for, when the Amendment was adopted by the following Vote:

Ayes - Barbour. Beach. Boardman. Boyer. Brooke.
Combs. Cornick. Fergus. Harrington. McElroy
Perkins. Robinson. Sanders. Thorpe. Wilson - 15.
Noes - Edwards. Forbis. Hamilton. Marion. McCormick
Mood. Noyes. Stall. Stuart. Sweeney. Mr Speaker - 11.

Bill was ordered Engrossed.

On motion of Mr Sanders. the consideration of the Amendments recommended in report of Ways and Means Committee to H B. No 23 - "An Act to establish and regulate the fees of Treasurers. was made the Special Order for half past two O'clock P. M.

The Committee on Agriculture and Manufactures reported as follows:

Mr Speaker.

Your Committee on Agriculture and Manufactures to which was referred H. B. No 25 - An Act to amend An Act in relation to Irrigation and Water-rights have same under Consideration and would beg leave to make five" (35) where they occur in line one (1) be stricken out and thirty four (34) be inserted in lieu thereof, with this amendment we recommend that the Bill do pass.

Mood Chairman.

On motion of Mr Hamilton the Amendment recommended by the Committee was adopted - Mr Sanders moved to further amend by inserting in line two of the "Proviso" after the word "appropriation" the words "thereafter made" - Mr Beach moved that the Bill and amendments be committed to a select Committee of one Member from each County, which motion prevailed and Mr Speaker designated as such select Committee

Mr Beach of Lewis and Clarke County.
Mr Hamilton of Choteau County.
Mr Combs of Madison County.
Mr Marion of Missoula County
Mr Thorpe of Meagher County
Mr Perkins of Gallatin County
Mr Cornick of Deer Lodge County
Mr Wilson of Jefferson County
Mr Barbour of Beaverhead County.

H.B. No 4 - An Act to provide for the redemption of the funded indebtedness of Gallatin County was ordered enrolled.

C.B. No 14 - An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge was read a 1st and 2nd time and Mr Sanders moved to amend as follows:

Insert at the close of and as part of Sec 1 - "And within 90 days before the time when such contract shall expire may renew the same on like terms for two years after the expiration of the contract herein provided for unless otherwise directed by law.

The Bill and the Amendment were referred to the Committee on Territorial Affairs.

C.B. No 4 - "An Act to provide for funding the outstanding 12 per cent Bonds of Jefferson Co Mont" was read a 1st and 2nd time and referred to the Committee on "Ways and Means"

Mr Sweeney introduced H. B. No 37 - "An Act to provide compensation for the Fire Warden of the Town of Helena" which was read a 1st and 2d time and on Motion of Mr Robinson was referred to a select Committee consisting of Members from Lewis and Clarke County.

Mr Sweeney introduced H. J. M. No 8 - "In relation to Military Telegraph from Deadwood Dakota to Fort Ellis Montana" which was read a 1st and 2d time and referred to the Committee on "Federal Relations".

By leave of the House Mr Stuart offered the following Resolution.

Resolved That the Committee on Territorial Affairs be instructed to enquire what sums have been received by the Territorial Treasurer for the labor of Territorial Convicts in the U.S. Penitentiary at Deer Lodge since the Prison was first opened for the confinement of prisoners, giving the amounts received each year.

The Resolution was adopted.

On motion of Mr Robinson the House took a Recess until 2 O'clock P.M.

2. O'clock P.M.

House resumed Mr Speaker in the Chair.

Roll called - Quorum present

C. B. No 11 - "An Act concerning Notaries Public" reported from the Judiciary Committee with the recommendation that it do not pass, was read a 3d time and lost by the following Vote:
Those voting Ayes were none.
Those voting No were.
Beach. Boyer. Brooke. Combs. Cornick
Edwards. Fergus. Forbis. Hamilton. Marion. McCormick
McElroy. Mood. Perkins. Robinson. Sanders. Stull Stuart
Sweeney. Thorpe. Wilson. Mr Speaker - 22.

C. B. No 1 - An Act concerning Limitations being before the
for a 3d reading

Roll called. Absent Meſsrs Barbour. Boardman. Harrington and Noyes.

5 Sergeant-at-Arms was directed to bring in Absentees.

On motion of Mr McCormick further proceedings under the call were dispensed with.

Mr Sanders moved to suspend the Rules and re-commit the bill to the Judiciary Committee which motion was lost. and the bill read a 3d time and passed as follows:

Ayes – Barbour. Beach. Boyer. Hamilton. Harrington. Marion
McCormick. McElroy. Mood. Noyes. Perkins. Robinson.
Still. Stuart. Sweeney. Thorpe. Wilson Mr Speaker – 18.
Noes – Boardman. Brooke. Combs. Cornick. Edwards.
Fergus. Forbis. Sanders. – 8.

Title was agreed to.

H. B. No 23 – "An Act to establish and regulate the fees of Treasurer's" being the Special Order for half past 2 P.M. was taken up and on Motion of Mr Edwards the amendments recommended in report of Ways and Means Committee were adopted and the bill was ordered engrossed for a 3d reading.

On Motion House adjourned.

Samuel Word
Speaker House Representatives

Jas E. Kanouse
Chief Clerk.

Nineteenth Day.

House of Representatives
Jan 21st 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present

Prayer by the Chaplain

Journal of Yesterday read and approved.

A communication from the Mont Steam Navigation Company was read and Mr Robinson moved that the communication be spread upon the Journal. Mr McCormick moved to amend Mr Robinson's motion by requesting the Clerk to return said Communication to the Board of Directors of the Upper Missouri River Navigation Company with the statement that the House of Representatives will be pleased to hear from the Directors of said Company on any subject pertaining to their interests through the Executive of the Territory or by Petition.

Which Amendment prevailed.

And the Clerk directed in accordance therewith.

On motion of Mr Hamilton. Mr Mood was granted leave of absence for the day.

The Committee on Printing reported as follows:

Mr Speaker. Your Committee on Printing to whom was referred H. B. No 35 - "An Act to amend an Act concerning Crimes and punishments" have examined the same and find it correctly printed.

Harrington
Chairman.

The committee on Engrossment reported as follows:

Mr Speaker. Your Committee on Engrossment to whom was Substitute for H. B. No 12 - Entitled "Bounty Act" have find it correctly engrossed

Also as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 9 - "An Act in relation to Estray Horses for the benefit of Public Schools" have examined said bill and find the same correctly Engrossed. Harrington

Chairman.

Also as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 36. "An Act to regulate the sale of intoxicating Liquors" have examined the same and find it correctly engrossed.

Mr Forbis presented a Petition from Citizens of Deer Lodge County in regard to passage of An Act providing for holding terms of Court at the town of Butte and for establishing branch county offices there with records.

H. B. No 35. "An Act to amend an Act concerning crimes and punishments" reported correctly printed was referred to the Committee on Judiciary.

The committee on Printing reported as follows:

Mr Speaker.

Your Committee on Printing to whom was referred H. B. No 31 - To encourage the construction of Rail Roads in Montana. have examined the same and find it correctly printed. Harrington

Chairman

The Committee on Grazing and Stock-growing reported as follows:

Mr Speaker. Your Committee on Grazing and Stock-growing to whom was referred H. B. No 10 - respectfully report the accompanying Substitute and recommend that the Substitute do pass. Brooke

Chairman.

On motion of Mr McCormick the Substitute and bill accompanying the report were made the Special Order for half past ten O'clock Feby 1st 1879 - in "Committee of the Whole"

The following Message was received from the Council:

Council Chamber.
January 31st 1879.

Mr Speaker

I am directed by the Council to inform the House that:

The Council has receded from its amendment of "Sec 10" to H.B. No 5. That the Governor has approved C.B. 16 "An Act to change the name of Sarah A Merrill to Sarah A Murdock". That Ives gave notice of the introduction of a Bill for An Act imposing a tax and prescribing the mode of collecting the same on the privilege of selling Wine Ardent Spirits or Malt Liquors within the limits of the Territory of Montana."

Respectfully
Harry R. Comly
Chief Clerk.

The Committee on Towns and Counties reported as follows

Mr Speaker Your Committee on Towns and Counties to which was referred H.B. No 26 - with amendment. An Act to establish Courts of Justice and Branch County Offices at Butte beg leave to report that they have had such bill and the amendment thereto under consideration.

That the amendment as offered is too crude ambiguous and uncertain in respect to limits and boundaries. and contains no provision for the organization of a County Wherefore your Committee recommend that the amendment be not adopted. And do further recommend that said original bill do not pass.

E. Beach.
H. H. Mood
E. Wilson
George Stull.

On motion of Mr Sanders the consideration of the Bill was made the Special Order for 11:30 O'clock A.M. Feby 1st 1879 in Committee of the Whole.

Mr Beach reported as follows:

Mr Speaker Your Select Committee to whom was referred the Fire Warden of the Town of Helena. have had the same under consideration and recommend that the same be amended by inserting before the word "fire" in line 17 being line 11 of Sect 1 of the bill the word "the" also that Section 2 – be stricken out

Beach

Chairman

The amendment recommended was adopted and the bill was ordered engrossed.

The Committee on Enrollment reported as follows:

Mr Speaker. Your Joint Committee on Enrollment beg leave to report that C. B. No 8 – An Act to consolidate the County offices of Beaverhead and Custer Counties. has been examined and compared said bill and find the same correctly enrolled.

Forbis.

Mr Robinson moved that the House reconsider the vote by which C B. No 1 – An Act concerning limitations" was passed which Motion Mr Sweeney moved to lay on the Table and the Ayes and noes being called for the motion to lay on the Table was lost as follows:

Ayes – Hamilton. Marion. McElroy. Noyes. Stall.
Sweeney. Mr Speaker – 7.
Noes – Barbour. Beach. Bourdman. Boyer. Brooke.
Combs. Cornick. Edwards. Fergus. Forbis.
Harrington. McCormick. Perkins. Robinson.
Sanders. Stuart. Thorpe. Wilson – 18.
Absent with leave Mr Mood.

Mr McCormick moved a call of the House. Roll called.
Absent Mr Noyes. Absent with leave Mr Mood.
The Sergeant-at-Arms. was directed to bring in Absentees.

On motion of Mr McCormick further proceedings under the call of the House were dispensed with. The Ayes and Noes were then called on the motion of Mr Robinson. which prevailed by the following vote

Ayes – Bourdman. Brooke. Combs. Cornick. Edwards. Fergus. Forb
Harrington. McCormick. Perkins. Robinson. Sanders. Stua
Thorpe – 14.
[illegible] – Barbour. Beac [illegible] Hau [illegible] Marion. McElroy

Absent Mr Noyes. Absent with leave Mr Mood.

On motion of Mr McCormick the Clerk was instructed to request the return of C. B. No 1. from the Council.

By leave of the House Mr Sanders introduced H. J. R No 4 – In relation to new Military Department which was read a 1st and 2d time and on motion of Mr McCormick the Rules were suspended. The resolution considered engrossed, read a 3d time by title and passed by the following vote:

Those voting Ayes were

Barbour. Beach. Bourdinau
Boyer. Brooke. Combs. Cornick. Edwards. Fergus
Forbis. Hamilton. Harrington. Marion. McCormick
McElroy. Noyes. Perkins. Robinson. Sanders. Stell
Stuart. Sweeney. Thorpe. Wilson. Mr Speaker. – 25.

Those voting No were none.

Absent with leave Mr Mood.

Title agreed to.

On motion the House took a Recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed: Mr Speaker in the Chair.

Roll called – Quorum present.

H. B. No 5 – An Act to enable the County of Gallatin to erect a Court House and Jail, returned from the Council with notice that Council has receded from Amendment No 10. thereto – was ordered enrolled.

Mr Sanders introduced H. B. No 38 – An Act to amend the Helena Incorporation Act, which was read a 1st and 2d time and referred to a select committee consisting of the 3 Members of the "House" from the town of Helena

H. B. No 36 – An Act to regulate the sale of Liquors was read a 3d time and passed as follows:

Those voting Ayes were.
Barbour. Beach. Boardman. Brooke.
Combs. Cornick. Edwards. Forbis. Hamilton. Harrington
Marion. McCormick. McElroy. Perkins. Sanders.
Stuart. Sweeney. Thorpe. Mr Speaker. – 19.
Those voting No were Meſsrs Boyer. Fergus. Noyes Wilson – 4
Absent Meſsrs Robinson. and Stull.
Absent with leave Mr Mood.

Title was amended to read "An Act concerning the sale of Intoxicating Liquors."

H. B. No 12. – Entitled "Bounty Act" was read a 3d time and passed.

Ayes – Barbour. Beach. Boyer. Brooke. Combs. Cornick.
Harrington. McCormick. McElroy. Perkins. Stull.
Stuart. Thorpe. Wilson – 14.
Noes – Boardman. Edwards. Fergus. Forbis. Hamilton.
Marion. Noyes. Robinson. Sanders. Sweeney.
Mr Speaker – 11.
Absent with leave Mr Mood.

On motion of Mr Sanders the Title was amended to read as follows:
"An Act prescribing a bounty for the distruction of certain animals".

House Bill No 9 – "An Act in relation to Estray Horses for the benefit of Public Schools" being before the House for a 3d reading. Mr Brooke moved to suspend the Rules and recommit the Bill to the Committee on "Education and Labor".

Mr Thorpe moved to amend the Motion by substituting Committee on "Grazing and Stock-growing" which amendment was accepted. the motion prevailed and the Bill was so referred.

The hour of 2:30 P.M. having arrived the "House" proceeded to the consideration of the Resolution of Mr Forbis in regard to House Rule No 8. the special order for that hour.

Mr Forbis in the Chair.

Mr Beach moved the indefinite postponement of the Resolution which motion prevailed.

Mr Speaker in the Chair.

The following message was received from the Council:

Council Chamber
Jan. 31st 1879.

Mr Speaker.

I am directed by the Council to inform the House that:

H. J. R. No 4 - has passed the Council.

That the Council in compliance with the request of the House herewith returns C. B. No 1 - "An Act concerning limitations"

Respectfully
Harry R. Comly
Chief Clerk.

Also the following

Council Chamber
Jany 31st 1879.

Mr Speaker.

I am directed by the Council to inform the House that

C B 19 - "An Act to provide for the support and maintenance of the Philipsburg Fire Department" has passed the Council and is transmitted

Respectfully
Harry R. Comly
Chief Clerk.

On motion of Mr Sanders C. B. No - 1. An Act concerning limitations returned from the Council was recommitted to the Judiciary Committee.

H. J. R. No 4 - returned from the Council was ordered Enrolled -

Mr Thorpe moved that the House do now adjourn which motion was lost

Mr Stuart moved to reconsider the vote by which H B. No 12 - An Act prescribing a Bounty for the destruction of certain animals" was passed which motion prevailed and on motion of Mr McCormick the Rules were sus- [illegible] and the [illegible] committed to the Committee on bill by excepting from its operation the Counties of Custer and Choteau.

Mr Stull moved that the House do now adjourn which motion was lost.

At 3-O'clock P.M. House proceeded to the consideration of Resolution of Mr Hoyes in regard to adjournment sine-die the Special Order for that hour.

Mr Fergus in the Chair

Mr Speaker in the Chair.

Mr Hoyes moved that the Resolution fixing time of adjournment sine die be indefinitely postponed which motion prevailed.

The Committee on Enrollment reported as follows

Mr Speaker. Your Joint Committee on Enrollment beg leave to report that ~~they have examined~~ H. J R. No 4 and find the same correctly Enrolled

Forbis.
Chairman

Mr Speaker announced that he was about to sign H. J Resolution No 4.

Mr Forbis moved that the House do now adjourn upon which the ayes and Noes were called for and the motion was carried as follows:

Ayes - Barbour. Beach. Boyer. Combs. Cornick. Edwards Fergus. Forbis. Hamilton. Harrington. Hoyes Perkins. Robinson. Sanders. Stuart. Sweeney. Thorpe. Wilson Mr Speaker - 19.

Noes - Boardman. Brooke. Marion. McCormick. Stull - 5.

Absent McElroy. Absent on leave Mood.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk.

Twentieth Day

House of Representatives
Feby 1st 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present

Prayer by the Chaplain

Journal of Yesterday read and approved.

The Committee on "Territorial Affairs" reported as follows

Mr Speaker: Your Committee on "Territorial Affairs" to whom was referred H. B. No 28 - Entitled. An Act for the relief of St John's Hospital beg leave to report. That it has had the same under consideration. and has spent considerable time seeking for and getting the following facts in regard to the bill 1st. That William Cossin was a roving character traveling through Madison. Meagher. and Jefferson Counties. was convicted of Grand Larceny in the latter County and sentenced to Penitentiary for one year which time he served or was pardoned. In attempting to cross the "Main Range" was caught in a Storm and badly frozen. necessitating the amputation of a portion of both feet. He was taken care of by the people of Deer Lodge County for some time. and was donated money by them to enable him to come to Helena Lewis and Clarke County where he remained several months at the Hospital. being cared for at that Institution until he was in a condition to travel. He raised a Subscription in the Town of Helena from which he reserved traveling expenses to California and paid the remainder $79.00 to St Johns Hospital leaving a balance in favor of that Institution of $150.00. Which sum your Committee would recommend be paid by the Territory.

Your Committee also find that Charles Smith who was not identified with any particular County had been an inmate of the Hospital on three occasions. The first time he paid the bill himself. The second the charges were paid by Gilmer and [illegible] in whose employment he had been. The third time [illegible] his death) he had been

The charges for said attendance amounting to $134,50 remain unpaid. Your Committee would recommend on account of the complicated condition of the matter that it be paid by the Territory.

Sweeney
Chairman

The report on the bill was on motion adopted and the bill ordered Engrossed for a 3d reading.

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 39 - An Act for the relief of A. C. Botkin with amendment thereto have examined the same and find it correctly engrossed.

Harrington
Chairman

The Committee on "Federal Relations" reported as follows:

Mr Speaker: Your Committee on Federal Relations to which was referred House Joint Memorial No 7 - to the Secretary of the Interior asking for right to drive Cattle across the Crow Indian Reservation" have had the same under consideration. And beg leave to report it back to the House with a Substitute and with the recommendation that said Substitute do pass.

Stuart
Chairman.

The Substitute reported was read a 1st and 2d time and Mr Sanders moved to suspend the Rules consider the Substitute for H. J. M. No 7 - engrossed and put it upon its final passage which motion prevailed. The Memorial was read a 3d time by Title and passed by the following Vote:

Those voting Aye were.

Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McElroy. Noyes. Perkins. Sanders. Stull. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker. - 23.

Noes none.

Absent Messrs McCormick. Robinson Mood.

Title was agreed to.

The hour of half past ten A. M. having arrived the House proceeded to the consideration of the Substitute for H. B. No 10 - "An Act to protect Game, fish and fur bearing animals" being the Special order for the hour in Committee of the Whole

House resumed Mr Speaker in the Chair

On motion of Mr Robinson the House took a Recess until 2 O'clock P.M.

2- O'clock P.M.

House resumed Mr Speaker in the Chair

Roll called- Quorum present

Mr Forbis introduced H B No 39- "An Act to enable the people of Butte to erect a School House" which was read a 1st and 2d time and referred to the four members of the "House" from the town of Butte.

H B No 19- An Act to provide for the support and maintenance of the Philipsburg Fire Department" was read a 1st and 2d time and referred to the Committee on Towns and Counties.

H B No 29.- "An Act for the relief of A. C. Botkin" was read a 3d time and passed by the following vote:
Those voting Ayes were
Barbour. Beach. Boardman. Boyer
Brooke. Combs. Cormick. Fergus. Forbis. Hamilton
Harrington. Marion. McCormick. Mood. Noyes. Perkins
Robinson. Sanders. Stall. Sunny. Wilson. Mr Speaker.-22.
Those voting No were. Mr Thorpe
Absent Edwards. McElroy. Stuart
Title was agreed to.

Mr Sanders moved to defer the consideration of H B No 26. "An Act to provide for holding terms of District and Probate Courts at the town of Butte Deer Lodge Co M. T. and to establish branch Co Offices in the town of Butte with records" by a Committee of the Whole until 2:30 P.M Feby 3d. Mr Forbis moved to amend by making its consideration the Special Order for said hour in the "House" which motion prevailed.

On motion of Mr Barbour the House adjourned until 10- O'clock A.M. Feby 3d 1879.

Samuel Word

[illegible]

Twenty second Day

House of Representatives
Feby 3d 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present

On motion of Mr M'Cormick the Rev Mr Gilbert Chaplain was granted leave of absence for the day.

Journal of Twentieth day read and approved.

Mr Speaker laid before the House the following communication

Missoula Montana
Hon Sam Word January 31st 1879
Speaker House of Representatives
Helena

Sir,
I have the honor to hand you herewith a report relative to the financial condition of Missoula County called for by the Resolution which passed the Legislature on the 22d instant

I am very Respectfully
Frank H. Woody
Co Clerk.

The report accompanying communication was as follows:

Hon Samuel Word.
Speaker House of Representatives
Montana Territory

Sir,
In compliance with the Resolution passed by the House of Representatives and concurred in by the Council on the 22d of January. AD 1879: I have the honor to submit the following report relative to the financial condition of Missoula County.

First - The amount of County Bonds outstanding
and over due is $21[illegible]
Interest due on same about [illegible]

These Bonds bear interest at the rate of 15% per annum payable semi-annually, and were issued under the Act of the Legislature approved November 22nd 1867.

Second. The amount of County Bonds outstanding and not yet due is	$10.900.00
The amount of interest over due on same	900.00
Total	$11.800.00

These Bonds were issued under a Special Act of the Legislature approved January 24th 1876.

Third. The amount of Warrants outstanding on the various Funds and which bear interest is as follows:

General or County Fund	49.540.52
Contingent do	8.398.88
Poor do	3.228.65
Road & Bridge Purchase do	4.091.30
Road Fund	2.481.38
Total	$67.740.73
Amount Interest due on same	31.783.75
Total	$99.524.48

The above Warrants bear interest at the rate of 10% per Annum.

Fourth. The Warrants outstanding that do not bear interest are as follows:

General or County Fund	490.75
Contingent	18.50
Poor Fund	2.904.25
Current Expense Fund	4.506.31
General Road (Canon) Fund	18.50
	$7.938.31

Fifth. The amount of money received into the County Treasury for County purposes from all sources from December 1st 1877 to December 1st 1878 that being the end of the Fiscal year was as follows

General or County Fund		
Taxes collected	$685.31	
60% of License	1.689.00	$2.374.31
Contingent Fund		1.305.92
Sinking Fund (for payment of interest)		3.264.80
Bridge and Road Purchase Fund		3.264.81
Poor Fund Property tax	1.958.89	
Per Capita Tax from Assessor	340.00	2.298.89
Road Fund		759.88
School Fund Property Tax	1.958.86	
Fines collected	278.00	2.236.86
Current expense Fund		3.932.20
General Road (Canon)		930.33
Redemption Fund Act Feby 16th 1877		1.958.92
Floating Bond Interest Fund		1.243.22
		$23.570.14

Sixth - The amount of money in the County Treasury to the credit of the various funds of the County is as follows:

General Fund	$3.339.25
Redemption do	1.213.71
Sinking do	42.26
Floating Bond Interest	1.188.59
Poor Fund	757.64
General Road (Canon)	181.18
Current Expense	142.89
Road	303.91
Contingent	510.74
Redemption (Act Feby 16th 1877)	1.853.25
School	2.236.36
Bridge and Road Purchase Fund	338.42
Total	$12.108.20
Deduct amount of School Fund	2.236.36
Amount applicable to payment of debt	$9.871.84

Seventh - The amount disbursed during the year 1878 - for the prosecution and punishment of criminals - This is a difficult question to answer correctly for the reason that Jurors were summoned and transacted both civil and criminal business, and it is difficult to separate the time that the were engaged in trying civil suits from the time they were occupied in trial of criminal cases, in as there was both the civil & [illegible]

[illegible] y the year and [illegible] were

I have thought best to include the entire Court expenses for the year 1878 which I do as follows:

Grand Jurors per diem & mileage	830.00
Trial " "	1,105.40
Sheriffs Fees	1,213.45
Jailors "	99.39
Justices fees in criminal cases	44.20
Witnesses before Grand Jury	320.00
District Attorneys fees	120.00
Clerks fees District Court (criminal cases)	141.90
Board of Prisoners	198.95
Interpreter	3.80
Total	$4,168.09

Recapitulation

15% Bonds overdue	21,900.97
Overdue interest on same	1,600.00
10% Bonds not due	10,900.00
Interest bearing Warrants outstanding	67,740.73
Interest due on same to Dec 16th 1878.	31,783.75
Warrants outstanding not bearing interest	7,938.31
Total debt outstanding	$142,763.76
Deduct money in the different funds	9,871.84
Total liabilities of the County on the 16th Dec 1878.	$132,891.92

I neglected to state when the outstanding 10% Bonds would become due. They will become due as follows

$1,900.00	will become due on Sept 1st 1886
1,600.00	" " " March 1st 1887
7,400.00	" " " June 15th 1887
10,900.00	

The expenses of the County from Dec 1st 1877 to Dec 1st 1878 were as follows.

Current Expense	7,812.36
Care of Poor	1,462.25
Work on Canon Road	1,469.82
Total	$10,742.43

[illegible] report is intended to show the condition of the [illegible] on Dec 16th 1878 since which time [illegible] most of the

the redemption of County Warrants

All of which is respectfully submitted

Signed Frank H. Woody
January 31st 1879. County Clerk
Missoula County

The report was referred to the Committee on Ways and Means

Mr Robinson presented a Petition from citizens of Deer Lodge Co in relation to exempting Rail Roads from taxation

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 37- A Bill for An Act to provide compensation for the Fire Warden for the Town of Helena with Amendments have examined the same and find it correctly engrossed.

Harrington
Chairman

Also as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H. B. No 28- A Bill for An Act for the relief of St Johns Hospital have examined the same and find it correctly Engrossed.

Harrington
Chairman

The Committee on Federal Relations reported as follows:

Mr Speaker:

Your Committee on Federal Relations to which was referred House Joint Memorial No 8- In relation to Military Telegraph from Deadwood Dakota to Fort Ellis Montana" have had the same under consideration And would recommend that it be amended by adding to the end of the same the following:

"And your memorialists would further respectfully represent the necessity of the construction of a branch of said Telegraph by way of Fort Missoula and Spokan Bridge to Fort Walla Walla which would enable the military to have timely notice of any uprising among the tribes of Indians in Washington and Idaho Territories and also in Western Montana and thus be enabled to prevent such hostile bands from entering and passing through Perces in 1877. And as recommend that the Memorial do pass

Stuart
Chairman

On motion of Mr Boardman the amendments recommended were adopted.

Mr Hamilton moved that the Memorial and Amendments be recommitted to the Committee on Federal Relations, which motion prevailed and they were so re-committed.

The Committee on "Grazing and Stock-growing" reported as follows:

Mr Speaker: Your Committee on Grazing and Stock-growing to whom was referred H.B. No 12- report the same back with the amendments as ordered and with amendment recommend that it do pass.

Brooke
Chairman

Mr Sanders moved that the Rules be suspended and the bill as amended by the Committee on Grazing and Stock-growing be considered engrossed. which motion prevailed and the Bill was placed on file for a 3d reading.

The Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred C.B. No 13- A Bill for An Act prescribing the penalty for Murder beg leave to report. That it has had said Bill under consideration. and recommend that the same do pass.

J. C. Robinson
Chairman

Mr Sanders made the following Minority report from the Judiciary Committee.

Mr Speaker. The Undersigned a minority of your committee on the Judiciary. to which was referred C.B. No 13- A Bill for "An Act prescribing the penalty for Murder" are of the opinion that the humane considerations which dictate the legislation contemplated in this bill are such as ought not wholly to control the action of the members of the House in acting thereon Montana has finally and pretty fully emerged from the condition [illegible] ised by voluntary organizations, but [illegible] slow processes and against [illegible] of the argument here

Judicial Tribunals in that the penalties for murder were severe and the punishment certain. If the punishment is made inadequate to the view of any considerable number of our people: the temptation to visit swift and unauthorized vengeance on the guilty in moments of excitement such as immediately follows the perpetration of murder in the first degree is greatly increased and we are of the opinion that the time has not yet arrived when such legislation is useful. The authority reposed in the Executive Department to commute sentences is in the view of a minority of your committee a sufficient protection against injustice to criminals and we recommend that the Bill do not pass. All of which is respectfully submitted.

W. F. Sanders.

W. T. Boardman.

Mr Robinson moved that the Majority report from the Judiciary Committee on C B 13 be adopted which motion was lost.

The following report of the Judiciary Committee on H. B. No 17 was received.

Mr Speaker: The Judiciary Committee to which was referred H. B. No 17 - A Bill for "An Act to establish the fees of District Attorneys". Beg leave to report that it has had said Bill under consideration and recommend that the same be amended as follows. By striking out the words "And all sums over five hundred dollars" five per cent thereof" in Subdivision 2 of Section 1. and in lieu thereof insert as follows, to wit: "And on all sums over five hundred dollars and not exceeding fifteen hundred, five per cent on such sum exceeding five hundred dollars and all sums over fifteen hundred dollars. Two and a half per cent on such sum so exceeding fifteen hundred dollars" And amend the 3rd Subdivision of said Sec 1. by inserting after the word "appeal" the words to the Supreme Court" And strike out the word "ten" and insert in lieu thereof the word five in said 3rd Subdivision Sec 1 - And strike out the words "and away from his place of residence" and insert in lieu thereof the words "And out of the County where he resides" And add to Section 1 thereof as follows: "In each conviction of a Misdemeanor in Justices Probate or District Court where said attorney or his deputy appears in person to be collected out of the defendant on conviction ten dollars. But in no case shall the same be a charge against the County or Territory"

And amend Section 2. by adding thereto the following: "Nor by any Territorial officer except as specifically provided for in this act"

All of which is respectfully submitted

Robinson

Chairman

The amendments recommended by the Committee were on motion of Mr McCormick adopted.

Mr Hamilton offered the following Amendment to the Bill
That the Act shall take effect & be in force from and after the 3rd Monday in December 1881. Upon which amendment the Ayes and Noes were called for when the Amendment was lost by the following vote. Those voting Ayes were
Hamilton.
Marion. McElroy. 3.
Those voting no were.
Barbour. Beach. Boardman. Boyer.
Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Harrington
McCormick. Mood. Hoyes. Perkins. Robinson. Sanders.
Stull. Stuart. Surrey. Wilson. Mr Speaker. 22.
Absent Mr Thorpe.
The Bill was then ordered Engrossed.

The Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred H. B. No 7 - A bill for "An Act to tax Jury fees" beg leave to report that it has considered said bill. and report a Substitute therefore herewith accompanying. which they recommend do pass
Robinson
Chairman

Mr Hamilton moved that the Bill and the Substitute reported by the Committee be referred to a Select Committee consisting of One Member from each County
Mr Hamilton moved a call of the House. Roll called.
Absent Messrs Beach and Boardman

On motion further proceedings under the Call of the House were dispensed with.
The motion to commit the Bill & Substitute to a Select Committee was carried and
Mr Speaker designated as such Committee
Mr Robinson of Deer Lodge Co. Mr Sanders
[illegible] Mr Brook [illegible] — Mr Marion

Mr Mood of Madison County. Mr Thorpe of Meagher County.
Mr Barbour of Beaverhead County. Mr Hamilton of Chotau County

On Motion the House took a Recess until 2 O clock P.M.

2 O'clock P.M.

House resumed - Mr Speaker in the Chair.

Roll called - Quorum present

The following Communication was received from the Governor

Montana Territory
Executive Department
Helena February 3d 1879

To the
Legislative Assembly
I have the honor to submit for your information a report of pardons granted by this Office during the two years last past. with the reasons therefor

George W Rea

Crime - Murder in the second degree

Sentenced to imprisonment in the Penitentiary for the period of fifteen years. at the March term of the District Court in Gallatin County 1875. Pardoned February 9. 1877 upon condition that he forever abstain from the use of intoxicating liquor. Pardon recommended by Bishop D. S. Tuttle. Rev. M. N. Gilbert, thirty two citizens of Olean N.Y. and 305 citizens of Montana Territory.

James Thompson

Crime. Assault with intent to Murder

Sentenced to imprisonment in Penitentiary at the February term of District Court 1874: in Jefferson County for the period of seven years. Pardoned upon condition that he at once depart from the Territory. and never return. Pardon granted July 18th 1877. upon the recommendation of Hons. Wm H Claggett. Samuel Word and Samuel Langhorne. Dr A. H. Mitchell. W.W. Dixon and John H Shober Esqrs and J M Fish Warden of the Prison. The Pr of the Prison certified that longer confinement would result entire destruction of his health and that he would die [illegible]

Christian E. Humphreys

Crime — Assault and Battery.

Sentenced by Esq Wills Justice of the Peace to imprisonment in the jail of Deer Lodge County for the period of six Months. Pardoned Feby 26. 1878. upon the representations of his Wife and 221 Citizens of Deer Lodge County

John McDonald

Crime - Assault with intent to Kill

Sentenced to imprisonment in the Penitentiary for the period of one year at the October term of the District Court 1877 in Gallatin County. Pardon granted May 18. 1878 on the recommendation of Judge Blake. Hon I. G. Spratt District Attorney and 25 other citizens of the Territory

S. J. Perkins.

Crime - Assault with intent to Murder.

Sentenced at June term of District Court 1875 in Lewis and Clarke County to imprisonment in the Penitentiary for the term of five years. Pardon granted July 23. 1878 on the recommendation of Hon D S Wade Chief Justice. Hon J. K Toole District Attorney. W F Wheeler U.S. Marshall and 12 other citizens of the Territory. and because of the failing health of the convict from confinement in prison. His pardon was granted upon condition that he would at once depart from the Territory and never return.

George W. Bostwick.

Crime - Forgery.

Sentenced at November term of the District Court 1878. in Lewis and Clarke County to confinement in the Penitentiary for the period of one year - Pardoned granted November 23. 1878. upon the recommendation of Hon D. S. Wade Chief Justice who tried the case, Hon J. K Toole District Attorney. the citizens of Helena whose paper was forged. and Dr Thompson and others of Salt Lake City.

John Karney

Crime - Forgery.

Sentenced at the October term of the District Court of Beaverhead County 1878 to confinement in the Penitentiary

anted Jan 18. 1879 upo

case. Hon H. E. Mayhew. District Attorney who prosecuted the case. and C. W Turner Esq. who defended the prisoner. It was shown that the Convict had a wife and two small children dependent on his labor for support. The pardon was granted upon condition that the Convict would forever abstain from the use of intoxicating liquors.

Addison C. Toncray

Crime. Petit Larceny.

Sentenced by Esq Bateman of Lewis and Clarke County in January 1879. to imprisonment in County Jail of said County for the period of three months. Pardon granted Jan 22. 1879. upon the request of the Board of County Commissioners of said County.

Respectfully
B. F. Potts.

The following Notices of the introduction of Bills were given.

By Mr McCormick.

A bill to appropriate the sum of One thousand dollars to remove a portion of the "Great Falls" on Clarke Fork of the Columbia River - Sometimes called the Pend-O'Reille River.

By Mr Sanders.

A bill for an Act providing for the custody and care of the "Territorial Library"

also - A bill for An Act concerning certain licenses."

Also A bill for An Act authorizing the payment of certain expenses."

By Mr Forbis

A bill for An Act to amend Sec 145 of an Act concerning crimes and punishments approved Jan 12th 1872."

By Mr Cormick.

A bill for An Act in relation to exemptions".

By Mr Harrington.

A bill for an Act to provide for Keeping the Records of District Courts at the County Seats of the Counties where such Courts are held.

By consent of the House. Mr McCormick without previous notice introduced H B. No 44. "An Act in regard to Insolvents"

Mr Sanders by unanimous consent introduced without prior notice H. B. No 43. "An Act to provide for the payment of certain expenses"

The following Message was received from the Council.

Council Chamber
Feby 3rd 1879.

Mr. Speaker.

I am directed by the Council to inform the House that: The following notices have been given. By Heyde. An Act to compensate Attorneys at Law for public services. By Hickman - An Act to authorize Administrators of Estates of deceased persons unclaimed by heirs to sell real estate and pay proceeds into the Territorial Treasury"/. That Sedman introduced C B. 23 "An Act to amend an Act providing for the collection of Revenue" which was ordered printed. The following bills have passed the Council and are transmitted. H B 29. "An Act for the relief of A L Botkin C B 12 - "An Act to enlarge Homesteads" C B 17 - "An Act to Amend Secs. 535 + 535 of the Act relating to Probate Courts + Estates of deceased persons. Approved Feby 9th 1877" That H B 36 - "An Act to regulate the sale of Intoxicating liquors" was read 3rd time and lost" and Sedman gave notice of a motion to reconsider the Vote by which the same was lost. That in the absence of Mr President the Council elected Mr Hays President Protem.

Respectfully
Henry R. Comly
Chief Clerk.

Mr Beach moved that the report in regard to the finances of Missoula County be ordered printed which motion prevailed and on motion of Mr Beach the Report was recalled from the Committee on Ways and Means and referred to the Committee on Printing.

H. B. No. 29 - An Act for the relief of A. L. Botkin returned from the Council with notice of passage was ordered Enrolled.

C. B. No. 17 - "An Act to amend Sec 535 + 535 of the Act relating to Probate Courts. Estates of deceased persons approved Feby 9th 1877 was read a 1st and 2nd time and referred to the Committee on Education and Labor"

C B. No 12 - An Act to enlarge Homesteads" was read a 1st and 2d time and referred to the Committee on Judiciary

Mr Stall introduced H B No 40 - "An Act to establish fees of Territorial Auditor and Treasurer" which was read a 1st and 2d time and referred to the Committee on "Territorial Affairs"

Mr Hayes introduced H B No 41 - An Act to provide for the payment by Deer Lodge County of certain expenses incurred during the Nez Perce War of 1877 - which was read a 1st and 2d time and referred to a Select Committee consisting of the Members from Deer Lodge County.

At the hour of half past two P.M. the House suspended proceedings und 1st reading of House Bills and proceeded to the consideration of H B. No 26 - A bill for An Act to provide for holding terms of the District and Probate Court in the town of Butte Deer Lodge Co M T and to establish branch county offices in the town of Butte with records - being the Special Order for that hour.

Mr Sanders moved the following Amendment Strike out after the Enacting Clause all of said Bill and insert in lieu thereof the following.

__Sec 1__ - That all that part of the present County of Deer Lodge as lies south of an East and west line which shall cross Warm Spring Creek or the Southerly branch thereof at a point ten miles above the mouth of said Warm Spring Creek by the meanderings and course thereof be and the same is hereby created into a new county to be known and called Stuart County and the County seat of said Stuart County is hereby located at Butte and it shall there remain until changed by law in the manner prescribed by the Statutes of Montana in force at the time such change is sought to be had or made.

__Sec 2__ - That ——— and ——— be and they are hereby appointed to be and are declared to be the Commissioners of said County until an Election shall be held pursuant to law and their Successors are elected and qualified and they or a majority of them are hereby authorized and required within thirty days from the approval of this act to appoint the other county officers of said County. And an Election shall be held in said county for the Election of County Officers on the 2d Tuesday in May 1879 which shall be conducted in all respects as is required by the General Election laws of the Territory of Montana

Which Amendment was lost.

Mr Forbis moved to suspend the Rules. that the Bill be considered Engrossed. read a 3rd time by Title and placed upon its final passage. which motion prevailed. when the Bill was los by the following Vote.
Those voting Aye. were:- Boardman Forbis. Cormick - 3.
Those voting No were - Barbour. Beach. Boyer. Brooke. Combs. Edwards. Fergus. Hamilton Harrington. Marion McCormick. McElroy. Mood. Noyes. Perkins Robinson Sanders. Stull. Stuart. Sweeney. Thorpe. Wilson Mr Speaker. - 23.

H.B. No 42 - An Act to provide compensation for the Clerks of the District Courts" introduced by the Judiciary Committee was read a 1st and 2nd time. And Mr Sanders moved to amend by adding to Sec 5. as follows:

The money so paid to the Clerk or his Deputy. shall be by him forthwith paid into the County Treasury to the credit of the General Fund thereof. The amendment was adopted and the bill referred to Committee on Printing

H.B. No 43 - "An Act to provide for the payment of certain expenses" was read a 1st and 2nd time. And Mr Sanders move to amend as follows:

Insert after the word "presiding" in the last line but two of Sec 1 - the words "A warrant for said amou which amendment was adopted and the bill was committed to the Printing Committee.

H.B. No 44 - A bill for "An Act relating to Insolvent Debtors" introduced by Mr McCormick was read a 1st and 2nd time and Mr Sanders moved to amend as follows:

Strike out of Sec 25. all after the word "act" also strike out "Probate Courts" and insert "District Courts" the amendment was adopted and the bill as amended ordered printed

Mr Sanders introduced H. J. M. No 9 - In relation to improvement of the Yellowstone and Upper Missouri Rivers which was read a 1st and 2nd time and Mr McCormick moved to suspend the Rules Consider the Memorial engrossed read 3rd time by Title and place it upon its fi[illegible] [illegible] [illegible] [illegible] motion prevailed and

Those voting Ayes were.

Barbour. Beach. Bourdeau. Boyer. Brooke
Combs. Cornick Edwards. Fergus. Forbis. Hamilton. Harrington
Marion. McCormick McElroy. Mood. Noyes. Perkins. Robinson.
Saunders. Stuart Sweeney. Thorpe. Wilson Mr Speaker — 25.

Noes none

Absent Mr Stull.

Title was agreed to.

On motion of Mr McCormick the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk

Twenty Third Day

House of Representatives
Feby 4th 1879

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called - Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved

The committee on Engrossment reported as follows:

Mr Speaker:

Your Committee on Engrossment to whom was referred H B No 23 - A bill for an Act to establish and regulate the fees of Treasurers with Amendments thereto have examined the same and find it correctly engrossed as amended.

Harrington

Mr McCormick from the Ways and Means Committee reported as follows:

Mr Speaker. Your Committee on Ways and Means to which was referred C B No 3 - "An Act to provide for the compensation of Kiley. McQuaid & La Croix" have had said bill under consideration and beg leave to report the same back to the House with the recommendation that it do pass

McCormick
Chairman

The Committee on Education and Labor reported as follows:

Mr Speaker

Your Committee on Education and Labor to which was referred the Reports of the Historical Society of Montana for the year ending Dec 1st 1877 - And the year ending D 31st 1878 - have had the same under consideration and would

lows. It is a source of gratification that the efforts

of the Territory was thus early inaugu-

fortunate in its accumu-

ea lorous

Society subserves is one of great public interest and deserves the fostering care of the Legislative Assembly. The papers described in the report for 1878 as having been secured by the Society cannot fail to be of lasting benefit to all our citizens who maintain an interest in the episodes of this Country before the Territory was settled or in the progress of those settlements which the Society so well may preserve. The Society does not appear to have availed itself of the small amount of appropriation for 1878 accorded it by law. And your committee would recommend that the Legislature do pass a Joint Resolution providing for the payment of the same. And inasmuch as the publication of the volumes are somewhat expensive and burdensome to the members who conducted its affairs at some considerable trouble and without pecuniary reward. Your Committee is of the further opinion that the amount of the appropriation might be increased with the unanimous approval of the citizens and thereby add to the efficiency of the Society. All of which is respectfully submitted

Thorpe
Chairman

The Committee on Territorial Affairs reported as follows:

Mr Speaker: Your Committee on Territorial Affairs which was instructed by Resolution to ascertain the amount received for Convict Labor. Submit as its report the accompanying communication of the Territorial Treasurer.

Sweeney
Chairman

The communication referred to in report of the Committee was as follows:

Helena Montana January 29th 1879

To the Honorable Committee on Territorial Affairs of the House of Representatives

Gentlemen

In response to your inquiry as to what sums of money have been received by the Territorial Treasurer for the labor of Territorial Convicts for each since the establishment of the Penitentiary at Deer Lodge [illegible] the honor to reply as follows

Amount recd for labor of convicts during	1872	$ 92.00
Amt recd for labor of convicts during	1873	156.75
Amt recd for labor of convicts during	1874	2429.14
Amt recd for labor of convicts during	1875	1008.05
Amt recd for labor of convicts during	1876	583.00
Amt recd for labor of convicts during	1877	102.88
Amt recd for labor of convicts during	1878	403.67
Total		$ 4775.49

I have the honor to be
Very Respectfully yours
D. H. Weston
Terr Treasurer

The Committee on Education and Labor made the following report

Mr Speaker Your Committee on Education and Labor to which was referred C. B. No 17 - A bill for an Act to amend Section 535 + 555 of the Act relating to Probate Courts Estates of deceased persons approved Feby 9th 1877 - would report the same back to the House with the recommendation that the bill do pass.

Thorpe
Chairman

Mr Robinson from the Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred H. B. No 30 - bill for An Act in relation to the fees of County Clerks. beg leave to report. that it has considered said Bill and recommend the adoption of a Substitute therefor which is herewith reported and accompanying. and which Substitute said Committee recommend do pass.

Robinson
Chairman

Mr Beach moved that the Substitute reported together with the Bill be referred to a Select Committee to consist of one member from each County. which motion prevailed. and the Bill and Substitute were so referred.

Mr Speaker designated as such ~~Select Committee~~
Mr Beach of Lewis and Clarke Co Mr Marion of Missoula Co
" Mood " Madison " " Perkins " Gallatin "
" Forbis " Deer Lodge " " Barbour " Beaverhead "

Mr Thorpe of Meagher Co

The Judiciary Committee made the following majority and minority reports on C B No 1–

Mr Speaker: The Chairman of ~~the~~ Judiciary Committee to which was referred C B No 1– A bill for "An Act concerning Limitations." beg leave to submit this as the report of said Chairman, that: said Committee has considered said bill and owing to a contrariety of opinion as to said bill, the said Committee have been unable to arrive at any conclusion as to said bill. And the said Chairman would recommend that said bill be amended as follows:

Provided that when the cause of action arose prior to the 1st day of August 1877. actions shall be commenced within the period prescribed by the Statutes in force at the time such cause of action arose and not otherwise and in all such actions such statutes and the period of limitation therein prescribed shall govern and apply and that when the cause of action arose subsequent to the 1st day of August 1877. and prior to the time this Act shall take effect actions named in this Act shall be commenced within the time prescribed by this act and such time shall be computed from the time when an action could have been commenced: And when the cause of action shall accrue after the time this act shall take effect such actions shall be commenced within the time prescribed in this act which time of limitation shall be computed from the time such action could have been commenced. And with such amendment said Chairman recommends ~~that~~ said bill do pass.
All of which is respectfully submitted.

Robinson
Chairman.

The minority report was as follows:

Mr Speaker: A Minority of your committee on the Judiciary dissent from the report of the Chairman thereof on C. B. No 1– We recommend that the bill be amended by adding to Sec 1. of the bill the following. But this Act shall only apply to causes of Action hereafter accruing. Also in Sec 2 of the bill insert after the word "are" the words "as to all causes of action hereafter accruing– And we recommend that ~~the~~ bill as so amended be reported back to the House without recommendation

W. F. Sanders
John F. Forbes

The Committee on Federal Relations reported as follows:

Mr Speaker: Your Committee on Federal Relations to which was referred House Joint Memorial No 8 - In relation to Military telegraph from Deadwood Dakota to Fort Ellis Montana have had the same under consideration and would recommend that it be further amended by adding after the words "Capital of Montana to "Forts" in said memorial the word "Logan". And as thus amended would recommend that the Memorial do pass.

Stuart
Chairman

On motion of Mr Sanders the Amendments recommended were adopted and the Memorial was ordered engrossed.

Mr Forbis presented the following report

Mr Speaker: Your Select Committee consisting of the undersigned to whom was referred H B. No 39 - Entitled "An Act to enable the People of Butte to erect a School House. beg leave to report that said Committee has had said bill under consideration. and recommend that said bill be amended by striking out the word "interest" in the last line of Section 2 of said Bill and inserting in lieu thereof the word "principal and with such amendment your committee recommend that said bill do pass.

John F. Forbis
John Noyes
Samuel B. Cornick
W. F. Bourdman

On motion the Amendment recommended was adopted and there being no objection the Clerk was directed to and did proceed to engross the said Amendment in the bill. On motion of Mr Forbis the Rules were suspended the Bill considered engrossed and placed on the Calendar for 3rd reading.

The following notices of the introduction of bills were given

By Mr Hamilton
"An Act creating and organizing the Militia

By Mr Stull
[illegible] Assessors

By Mr Marion.
A bill in relation to the reduction of fees of County Coroners.

By Mr Mood.
A bill to amend chapter five page 374 - Codified Statutes.

H. B. No 29 - An Act to enable the People of Butte to erect a School House was read a 3d time and - Mr Sanders moved to suspend the Rules and re-commit the bill to the Committee of Members from Deer Lodge Co with instructions to strike out 12% and insert 10% in lieu thereof which motion was lost - The Ayes and Noes were then called and the bill passed by the following Vote:

Ayes - Barbour. Beach. Boardman. Boyer. Combs. Cornick. Edwards. Forbis. Hamilton. Harrington. Marion McCormick McElroy. Mood. Noyes. Perkins. Robinson Sanders. Stuart Sweeny. Wilson. Mr Speaker. - 22.

Those voting No were Brooke. Fergus. Stall. Thorpe - 4.

Title was agreed to.

H. B. No 37 - An Act to provide for the Fire Warden for the town of Helena" was read a 3d time and passed by the following Vote:

Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington Marion. McCormick. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stall. Stuart Sweeny Thorpe. Wilson. Mr Speaker - 26.

Noes - None.

Title was agreed to.

H. B. No 28 - An Act for the relief of St Johns Hospital" was read a 3d time. and Mr Robinson moved to suspend the "Rules" and re-commit the Bill to Committee on "Territorial Affairs" - And the Ayes and Noes being called the motion prevailed by the folling Vote.

Ayes - Beach. Boardman. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Harrington. McCormick. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stall. Stuart. Sweeny. Wilson. Thorpe. - 21.

Noes - Barbour. Boyer. Hamilton. Marion. Mr Speaker - 5.

and the Bill was so re-committed.

H. B. No 23. "An Act to establish and regulate the fees of Treasurers" was read a 3d time pending a vote on final passage of the Bill the Ho took a Recess until 2 O'clock P.M.

2. O'clock P.M.

House resumed. Mr Speaker in the Chair.

Roll called – Quorum present.

The question being upon the final passage of H. B No 23. Mr Hamilton moved a Call of the House.

Roll called.

Absent Mr Barbour.

Mr McCormick moved that further proceedings under the Call of the House be dispensed with which Motion was lost. The Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr McCormick further proceedings under the Call of the House were dispensed with The Ayes and noes were then called and H. B No 23 – was passed by the following Vote:

Ayes – Beach. Bourdman. Boyer. Coombs. Cornick. Edwards
Fergus. Harrington. McCormick. Mood. Perkins.
Robinson. Sanders. Stull. Sweeney. Thorpe. – 16.
Noes – Barbour. Brooke. Forbis. Hamilton. Marion. McElroy
Noyes. Stuart. Wilson. Mr Speaker. – 10.

Title was agreed to.

Mr McCormick moved to reconsider the Vote by which H. B 23 was passed. which motion was upon motion of Mr McCormick laid upon the Table by the following Vote:

Those voting Aye were. Beach. Bourdman. Boyer. Coombs. Cornick. Edwards. Fergus. Harrington. McCormick. Mood. Perkins. Sanders. Stull. Thorpe. – 14.

Those voting No were. Barbour. Brooke. Forbis. Hamilton Marion. McElroy. Noyes. Robinson Stuart. Sweeney Wilson. Mr Speaker – 12.

H. B No 12 – "An Act prescribing a Bounty for the destruction of certain Animals was read a 3^d^ time and passed by the following Vote.

Ayes – Beach. Bourdman. Boyer. Brooke. Coombs. Hamilton
Harrington. McCormick. McElroy. Mood. Perkins.
Sanders. Stull. Stuart. Thorpe. Wilson. Mr Speaker – 17.
Noes – Barbour. Cornick. Edwards. Fergus. Forbis. Marion
Noyes. Robinson. Sweeney – 9.

The following Message was received from the Governor.

Territory of Montana.
Executive Department
Helena February 4. 1879

To the Legislative Assembly

I have the honor to transmit the report of the Judges of the Supreme Court accounting for the appropriation for the purchase of Law Books in the years 1877-8. I beg to dissent from the Report in regard to the Territorial Library in charge of the Auditor as Ex officio territorial Librarian. The law books in charge of the Judges were purchased by the United States for the Supreme Court and are the property of the General Government, except such additions as have been made by the Territory. The Territorial Library contains several hundred Volumes, and has been secured by the Territorial Auditor and others without cost to the Territory, and the use of the books has never been denied any citizens, much less the Honorable Judges: hence there can be no reason for the statement contained in the report, that the Judges would be compelled to purchase some books now in the territorial library. The Honorable Judges could not have been well advised upon the subject, or their report would not have contained the statement, that some of the books in the territorial library were designed by the donors for the Judges library. The care and custody of the territorial library under the direction of the Judges of the Supreme Court will involve a large expenditure of money annually, while, if the library remains as it now is, in charge of the territorial Auditor, no additional expenditure will be necessary. The books in charge of the territorial Auditor, are the property of the Territory, and should not pass from the control of the Officers of the Same. The Judges, Attorneys and all other citizens have free, daily access to the library, in charge of the territorial Auditor. If the Judges have not sufficient room for the library in their charge, the Auditor is able to furnish ample accommodation for the same without additional cost to the Territory

Only one copy of this report having been furnished this Department the same is sent to the Council

Respectfully
B. F. Potts.

Mr Speaker directed the Clerk to request from the Council the "Report" referred to in the Governors communication.

He J M Hog - asking additional improvements on the Yellowstone intoxicating liquors were ordered Enrolled.

Mr McCormick moved that the House concur in Council Amendments to H.B. No 3 - "An Act in relation to Swine" which motion was lost.

Mr Sanders moved that the House disagree to the Council Amendments to said Bill upon which the ayes and noes were called and the motion prevailed by the following Vote

Ayes - Boardman. Boyer. Brooke. Cornick Fergus. Harrington
Mood. Noyes. Perkins Sanders. Sweeney. Thorpe.
Wilson. Mr Speaker. - 14.

Noes - Barbour. Beach. Combs. Edwards. Forbis. Hamilton
Marion. McCormick. McElroy. Robinson. Steell
Stuart - 12.

Mr Beach moved that the House request the Council to recede from Council Amendments to the Bill which motion Mr Sanders moved to lay upon the Table. The motion to lay upon the Table was lost.

The motion of Mr Beach to request Council to recede from Amendments prevailed and the Clerk was directed to transmit such request to the Council

C.B. No 13 - An Act prescribing the penalty for Murder" was read a 3 time and passed by the following Vote:

Ayes - Barbour. Beach. Boyer. Combs. Cornick Forbis.
Hamilton. Marion. McCormick. Mood. Noyes. Perkins
Robinson. - 13

Noes - Boardman. Brook. Edwards. Fergus. Harrington
Sanders. Steell. Stuart. Sweeney. Thorpe. Wilson
Mr Speaker - 12.

Title was agreed to.

The following Message was received the Council.

Council Chamber
Feby 4th 1879.

Mr Speaker.

I am directed by the Council to inform the House that: Kennon gave notice of "An Act to repeal Sec 6 of an Act entitled an Act to provide for the collection of Revenue approved Jan 12. 1872. That Hickman introduced C.B. 26 - "An Act to amend

Also the following

Council Chamber

Mr Speaker. Feby 4th 1879.

I am directed by the Council to inform the House that: Holter gave notice of the introduction of An Act to amend Sec 10 of An Act ~~entitled~~ An Act concerning licenses approved Jan 10th 1872. The following Bills were introduced.
By Ives. C. B. 24 - An Act imposing a tax and prescribing the mode of collecting the same on the privileges on selling wine ardent spirits or malt liquors within the limits of this Territory".
By Hyde. C. B. 25 - An Act to compensate Attorneys at law for Public services - The following have passed the Council and are transmitted - H. J. M. 9 - asking for additional improvements on the Yellowstone and Mo Rivers. H. B. No. 3 - An Act in relation to Swine with Amendments. - H. B. No. 36 - An Act to regulate the sale of intoxicating liquors.

Respectfully
Harry R. Comly
Chief Clerk

C. B. No 17 - An Act to amend Sec 535 and 555 of the Act relating to Probate Courts - Estates of deceased persons approved Feby 9th 1877 was read a 3rd time and passed by the following Vote:
Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McElroy. Mood. Noyes. Perkins. Sanders. Still. Stuart. Sweeny. Thorpe. Wilson. Mr Speaker. - 24.
Noes - Robinson - 1.
Absent. Mr McCormick.

Title was amended to read - An Act relating to Escheated Estates

C. B. No. 3 - An Act to provide for the compensation of Kerley. McQuaid and La Croix was on motion of Mr Sanders re-committed to the Committee on Ways and Means

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that H. J. M. No 4 - In relation to confining Indians on Reservations
Also H. B. No 5 - An Act to enable the County of Gallatin to erect a Court House and Jail
Also H. J. M. No 6 - Requesting transfer of Indian Affairs to the Department

Also H. B. No 29 - An Act for the relief of A. C. Botkin and also H. B. No 21 - An Act to change the name of Sing On to the name of George Taylor. has each been compared and examined and have been found correctly enrolled.

Forbis
Chairman.

The Committee on Ways and Means made the following report

Mr Speaker. A majority of the Committee of Ways and Means to whom was referred H. B. No 20 - beg leave to make the following report. That after having given much time to the consideration of the bill. they are led to believe that the passage of the bill will work injustice to a large majority of the tax payers of the Territory. from the fact that it imposes upon other industries burdens of taxation that should in all justice and in conformity with our system of Government be borne by the enterprises which the passage of the Bill will relieve from such burden. it is the opinion of a majority of your Committee. that Mines the title of which is vested in any individual company or corporation. And all the capital invested in them ~~together~~ together with all the improvements and appurtenances belonging to them. and the improvements upon and appurtenances belonging to any Mines. being worked by any Individual Company or corporation the title of which rests with the United States be taxed the same as any other property. Provided. That only one eighth of the gross proceeds of any quartz Mine shall be subject to be listed for taxation. A majority of your Committee would therefore respectfully recommend that the Bill do not pass

C. Edwards
H. H. Mood.
George Steell.

Also the following minority report.

Mr Speaker: A minority of your Committee on Ways and Means, to which was referred H. B. No 20 - An Act to amend An Act entitled "An Act to provide for the collection of the Revenue" have had the same under consideration and beg leave to make the following report The bill before us provides in Section 1. that the ninth subdivision of Section three of the Act to which this is amendatory be amended so as to read as follows. Ninth. "Mines and mining claims and the minerals produced therefrom." this section if it were enacted into a ould not only exempt all mines and mine

Both

and mining claims should be exempt from taxation on the ground that any law upon that subject must from the very nature of the case unequal burdens upon the owners thereof. Nevertheless. Your Committee are unanimously of the opinion that the proceeds of the Mines ought to be taxed as other property is taxed, and the question presents itself in this shape, shall a certain per cent of the gross proceeds of the mines be taxed independently of the cost of mining and milling the ores, extracting the metal therefrom and converting the same into money or its equivalent, or shall a tax be levied and collected upon the nett proceeds of the mines after deducting the actual cost of mining and milling the ores extracting the metals therefrom and converting the same into money or its equivalent. A minority of your committee are of the opinion that if a certain per cent of the gross proceeds of the mines were to be taxed that the effect would be to cripple if not destroy the Quartz mining interest of our Territory. Quartz mining in Montana Territory is in its infancy, and so far has been attended with most disastrous results to persons and corporations that have invested large sums of money in these enterprises, indeed with one or two notable exceptions the capital thus invested has been a dead loss to the investors while in very many instances they have not been able to save from the general wreck twenty per cent of the original investment. But this condition of things is not in any material sense the result of taxation imposed upon the gross or nett proceeds of the mines but is attributable to that lack of judgment and injudicious management that is born of inexperience and want of practable knowledge in the various processes adapted to the successful manipulation of the different kinds of ores with which our Territory abounds. But happily for the Territory this great industry has at last been remanded to the hands of a class of men to whom Quartz mining has not only been a study for years, but has been the field in which the labor of their hands have been employed until with them and under their skillful management fortified by practical experience capital employed in Quartz mining operations in this Territory promises to be as safe and remunerative as if invested in Bank Stocks Merchandise or Stock growing and the question now presents itself, shall this great industry the foundation of our material wealth be fostered by the enactment of generous laws, or shall it be crippled and strangled by discriminatory enactments which will retard if it does not suppress this great industry by driving capital to other & investment where taxes are less burdensome and oppres

While your Comm

do not

that the investment shall constitute the basis upon which large dividends shall eventually be declared. Your Committee cannot overlook the fact known of all men that Capital thus invested in Quartz Mines gathers around it and supports, maintains and builds up Communities, Villages, towns and Cities by the labor it employs, and the demand that it creates for the products of the looms, the Machine shops, the farm and grazing lands at home and abroad. As this is the first period in our history that some Legislation seems to be imperatively demanded by the other industries of our Territory. Your Committee finds itself confronted with the two propositions before stated and they are called upon to decide between the two. The proposition to tax a certain per cent of the gross proceeds of the Mines independently of the cost of mining and Milling the ores and extracting the Metals therefrom and converting the same into money or its equivalent is surrounded by difficulties that would lead to expensive and interminable litigation, check many operations in the Territory, deter capital from investment in our undeveloped mines. And so far as Your Committee is advised would be an innovation upon that system of taxation that prevails in every other State and Territory of the Union. The second proposition to tax the nett proceeds of the Mines after deducting the actual cost of mining and milling the Ores, and extracting the metals therefrom and converting the same into money or its equivalent is one the Wisdom of which commends itself to the judgment of Your Committee being founded upon the practical experience of the Older States and Territories. A system of taxation that has rescued the State of Nevada from impending Bankruptcy, a system that has enabled the State within a few years to cancel her entire debt which but a few years ago was numbered by the Million. And has given her a surplus in her Treasury of over Six hundred thousand dollars. A system which has enabled the State of Colorado to pay off her debt, put a surplus of several hundred thousand dollars in her State Treasury and has made her what she is to day, the most prosperous State in the Union. Your Committee would therefore report the bill back to the House with the accompanying Substitute and recommend that it do pass.

Respectfully Submitted

McCormick

Sweeney

The Substitute reported by the Committee was read and ordered printed.

Mr Speaker announced that he was about to sign. H B No 5- "An Act to enable the County of Gallatin to erect a Court House and Jail"

Mr Bourdman was granted leave of absence for 3 days.

Mr Speaker announced that he was about to sign H B. No 29. "An Act for the relief of A. C. Botkin" also the he was about to sign H B. No 16- "An Act concerning the County of Custer" also that he was about to sign H. B. No. 21- "An Act to change the name of "Sing On" to George Taylor" also that he was about to sign H. J M No 6- "In regard to transfer of Indians to War Department" also that he was about to sign H. J M. No 4- "In relation to confining Indians on Reservations".

On motion of Mr Stull the House adjourned

Samuel Word
Speaker House Representatives

Jas E. Kanouse
Chief Clerk

Twenty Fourth Day

House of Representatives
Feby 5th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called — Quorum present
Absent with leave Mr Bourdman

Prayer by the Chaplain.

Journal of yesterday read and approved.

House proceeded to the consideration of Majority and Minority reports of the Judiciary Committee on C. B. No 1 — "An Act concerning limitations" —

Mr Robinson moved that the report of the of the Chairman of the Committee be adopted

Mr Sanders moved a call of the "House" — Roll called — absent Mr Forbis — The Sergeant-at-Arms was directed to bring in Absentee.

On motion of Mr Sanders further proceedings under the call of the House were dispensed with.

Mr McCormick in the Chair.

On motion of Mr Forbis the House took a recess until 2 - O'clock P.M.

2 - O'clock P.M.

House resumed Mr Speaker in the Chair

Roll called — quorum present — Absent with leave Mr Bourdman The question being upon the adoption of the Report of the Chairman of the Judiciary Committee on C. B. No 1. — Mr Sumney moved a call of the House. — Roll called — absent Messrs Beach and Stull Sergeant-at-Arms was directed to bring in Absentee — On motion of Mr McCormick further proceedings under the call of the House were dispensed with —

Mr Speaker announced that he was about to sign C. B. No 8. An Act to consolidate the county Offices of Beaver [illegible] Counties

The motion to [illegible] report of the

Mr Forbis moved the following Amendment to C. B. No 1 -

Strike out all after Enacting clause and insert - "No person against whom a claim of debt or for damages has arisen in this Territory shall in an action therefor under the plea of the Statute of limitations be entitled to have computed under his said plea in his favor such period or periods of time as elapse while his domicile residence or whereabouts are unknown to the plaintiff or person holding such claim unless it also appear that his whereabouts was generally known in the community or communities in which he resided at the time the said claim originally arose and at the time when the same became due.

Mr McCormick moved to amend the amendment as follows: Strike out the words "Strike out all after the enacting clause and insert". Also that Sec 2. be numbered Sec 3 - Which amendment to the amendment was lost. And the ayes and Noes being called upon the amendment of Mr Forbis the same was adopted by the following vote:

Ayes - Beach. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Harrington. Mood. Noyes. Perkins. Sanders. Stell. Stuart

Noes - Barbour. Boyer. Hamilton. Marion. McCormick. McElroy Robinson. Sweeney. Thorpe. Wilson. Mr Speaker - 11

Absent with leave Mr Bourdman.

Mr Sanders moved to further amend by numbering the amendment adopted as Sec 1 - which motion prevailed and the amendments were ordered engrossed.

The Committee on Ways and Means reported as follows:

Mr Speaker: Your committee on Ways and Means to which was recommitted C. B. No 3 - An Act to provide for the compensation of Kirby. McQuaid and LaCroix have had the same under consideration and beg leave to report that they have examined the law pertaining to the subject of printing the reports of the Territorial Auditor and Treasurer and record of Marks and Brands and find that there is no law in existence under which this compensation can be paid - Your committee would therefore recommend that the bill do pass

McCormick

The committee on Territorial Affairs reported as follows:

Mr Speaker: Your [illegible] Territorial Affairs to which [illegible]
mitted H. B. No [illegible]

being 94 days or 13 3/7 weeks at $10.00 per week $134.50. which includes Clothing Burial expenses &c. — William Coppie was also a patient at said Hospital from October 31st exclusive 1877 until Feby 14th inclusive 1878. being 106 days or 15 1/7 weeks at $10.00 per week $150.00 which also includes clothing &c. Your Committee would also report that from the most reliable information it could obtain Chas Smith was at the time of his death either a resident of Jefferson. Lewis and Clarke or some other County within the boundary lines of the Territory of Montana.

Barbour.
Sweeney
Fergus
Boyer
Marion

Mr Harrington reported as follows:

Mr Speaker- Your Committee on Printing to which was referred Substitute for H.B. No 20 "An Act to provide for the taxation of Mines" have examined the same and find it correctly printed

Harrington Chairman.

On motion of Mr McCormick the Substitute for H.B. 20. and the reports of Ways and Means Committee thereon were made the Special Order for half past 10 O'clock AM Feby 10th 1879. in Committee of the Whole.

The Judiciary Committee reported as follows:

Mr Speaker.

The Judiciary Committee to which was referred C.B. No 12- A bill for "An Act to enlarge homesteads" beg leave to report that it has considered said bill and recommend that the same do pass

Robinson Chairman

Mr Sanders moved that the Bill be amended by striking out the Proviso at the end of the same which motion was lost

The following Notices of the introduction of bills were given
By Mr Stull- "A bill to define the Assessable property in the Territory of Montana" also— "A bill to consolidate the office of Territorial Superintendent with that of Territorial Auditor" Also— An Act to establish and regulate the fees of Witness & Jurors [illegible] Affic [illegible] A bill to establish and

By Mr Fergus:

A bill in relation to the taxation of Live Stock" also A bill relating to the qualifications of Members of the Council and Legislative Assembly"

Mr Robinson by consent of the House and without previous Notice introduced H. B. No 46. - "An Act to regulate the fees of Probate Judges and Clerks of the Probate Courts and Executors and Administrators" which was read a 1st and 2nd time and referred to the Printing Committee

Mr McCormick was granted leave of absence for the day

Mr Beach moved that the House reconsider the vote by which C. B. No 13 - "An Act prescribing the penalty for Murder" was passe which motion prevailed. and the Clerk was directed to communica the fact to the Council and request the return of the Bill.

Mr Robinson moved that the House instruct the Committee on Internal Improvements to report H. B. No 19 - "An Act to encourage Steamboat navigation on the Upper Missouri River" to the House at the forenoon Session Feby 6th 1879 - which motion was lost.

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that. H. B. No 5 - "An Act to enable the County of Gallatin to erect a Court House and Jail" also - H. B. No 16 - "An Act concerning the County of Custer. Also - H. B. No 21 - "An Act to change the name of Sing On to George Taylor" Also - H. B. No 29 - "An Act for the relief of A. C. Botkin" And also - H. J. R No 4. - were presented to the Governor at 3:15 P. M Feby 5th 1879.

Forbis

The following Message was received from the Council.

Council Chamber Feby 5th 1879

Mr Speaker:

I am instructed by the Council to transmit to the Hou the report of the Judges of the Supreme Court and the Communic of the Governor respecting the same and the accompanying docu

Respectfully

Harry R.

Chief

The Report and accompanying documents referred to in the Council message was referred to the Judiciary Committee.

Mr Stull introduced H. B. No 45 - "An Act authorizing Assessors to appoint a Deputy" which was read a 1st and 2d time and referred to the Judiciary Committee.

H. B. No 28 - "An Act for the relief of St Johns Hospital was read a 3d time and Mr Beach moved that its further considerat be made the Special Order for 2:30 O'clock P.M. Feby 7th 1879 in the House which motion prevailed.

C. B. No 12 - "An Act to enlarge Homesteads" was read a 3d time and passed by the following Vote:
Ayes - Brook. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McElroy. Perkins. Robinson. Sanders. Stull. Stuart. Mr Speaker. 16.
Noes - Barbour. Beach. Boyer. Mood. Noyes. Sweeney. Thorpe. Wilson. - 8.
Absent with leave Mr Boardman & Mr McCormick.
Title was agreed to.

C. B. No 3 - "An Act to provide for the compensation of Hurley McQua and La Croix" was read a 3d time and passed by the following Vote.
Ayes - Barbour. Beach. Boyer. Brook. Combs. Cornick Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McElroy. Mood. Noyes. Perkins. Robinson. Sanders Stull. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker - 24.
Noes - None.
Absent with leave Messrs Boardman an McCormick.
Title was amended to read as follows - "An Act to provide compensation for certain printing"

On motion of Mr Stull the House adjourned.

Samuel Word
Speaker House Representative

Twenty Fifth Day.

House of Representatives
Feby 6th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called — Quorum present
Absent with leave Mr Boardman.

Prayer by the Chaplain
Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to which was referred H. J. Mo No 8 – In relation to Military Telegraph line from Deadwood Dakota to Fort Ellis. M. T. with amendments have examined the same and find it correctly engrossed – Harrington Chairman.

Also as follows:
Mr Speaker: Your Committee on Engrossment to whom was referred H. B No 17 – An Act to establish the fees of District Attorneys with amendments have examined the same and find it correctly engrossed as amended. Harrington.

The Committee on Printing reported as follows:

Mr Speaker: Your Committee on Printing to whom was referred H. B. No 44 – A bill for An Act in relation to Insolvent Debtors" have examined the same and find the same correctly printed
Harrington.

H B 44 – reported printed was referred to the Judiciary Committee

The Committee on Towns and Counties reported as follows:

Mr Speaker. Your Committee on Towns and Counties to which was referred C. B. No 19 – A bill for An Act to provide for the support and maintenance of the Philipsburg Fire Department" beg leave to

[illegible] Read [illegible] [illegible] and recg

before the words "fire tax" where they occur in Sec 4. of said act.
And as amended your committee recommend that said bill do pass
Forbis Chairman

The Judiciary Committee made the following report:

Mr Speaker: The Judiciary Committee to which was referred H. B. No 35 - A bill for An Act to amend An Act concerning crimes and punishments. beg leave to report that it has considered said Bill and recommend that it do pass.
Robinson. Chairman.

Mr Sanders moved that the Rules be suspended & H. B 35 be considered engrossed and put upon its final passage. which motion prevailed and the bill was passed as follows.
Those voting Aye were. Barbour. Beach. Boyer. Brooke. Combs Edwards. Forbis. Hamilton Harrington. Marion. McCormick McElroy. Mood. Noyes Perkins. Robinson. Sanders. Stell. Steart Sweeney. Thorpe. Wilson. Mr Speaker - 23.
Those voting No were Mr Fergus. - 1
Absent with leave Mr Boardman
Title was agreed to.

The Judiciary Committee reported as follows:

Mr Speaker. The Judiciary Committee to which was referred H. B. No 11 - A bill for An Act to amend Sec 9 of Chapter 37 of An Act of the Legislative Assembly of Montana Territory. Entitled An Act Revising re-enacting and codifying the general and permanent laws of Montana Territory approved Jan 12. 1872: beg leave to report that it has considered said Bill and recommend that it do pass
Robinson. Chairman.

The Bill referred to and accompanying the report was ordered engrossed.

Mr Robinson from the Committee on the Judiciary reported as follows:

Mr Speaker. The Judiciary Committee to which
~~was referred C. B. No 7 - An Act to prevent the~~
~~upon private property beg leave to rep~~
~~said Bill and recommend that the sa~~

one inclosure, neither of them shall place or cause to be placed any animal on his, her or their ground, to the injury or damage of the other or others, but shall be liable for all damages thus sustained by the other or others, and if repeated after due notice is given and for every subsequent repetition, double damages to be recovered in any court having jurisdiction. Said Committee also recommend the adoption of the amendments to said bill offered and submitted to it. And with such amendments said Committee recommend that said bill do pass.

Robinson Chairman

On motion of Mr Sanders the report and amendments were adopted and the amendments ordered engrossed.

The Judiciary Committee reported as follows upon C. B. No 6.

Mr Speaker: The Judiciary Committee to which was referred C.B. No 6 "A bill for An Act amendatory of Sec 286 of the Criminal Practice Act" beg leave to report that it has considered said bill and report the same back without recommendation.

Robinson Chairman.

The Committee on Federal Relations reported as follows:

Mr Speaker: Your Committee on Federal Relations to which was referred House Joint Memorial No 5 "On Chinese Immigration" with amendments have had the same under consideration and beg leave to report the same back with a Substitute and would recommend that the Substitute do pass

Stuart Chairman

The Substitute referred to and accompanying the Report was read and Mr Sanders moved to amend by striking out the words "and cheapest" where they occur which motion was lost.

Mr Sanders moved to amend by striking out the words "well known to all" wherever they occur: which motion was lost

The Substitute was adopted and on motion of Mr Sanders the Rules were suspended the Substitute considered engrossed and placed on Calendar for 3d reading.

The Committee on Grazing and Stock [illegible] reported as follows:

whom
Ranging

bill as a Substitute and recommend that the same do pass

Brooke.

On motion of Mr Edwards the Substitute was adopted and ordered printed.

The Judiciary Committee made the following majority and minority Reports

Mr Speaker: The Judiciary Committee to which was referred C. B. No 2 – A bill for An Act to provide for licensing Commercial travelers." beg leave to report that it has considered said bill and the undersigned a majority of said Committee recommend that said bill do pass

J. C. Robinson
John F. Forbis
W. J. McCormick

The minority report was as follows:

Mr Speaker. Your Committee on the Judiciary has had under consideration C. B. No 2 – A bill for an Act to license Commercial travelers" and certain of the members having recommended that the bill do pass the undersigned dissent therefrom. It is the opinion of the undersigned that the bill should be amended as follows:

1st Strike out the words "three months" where they occur in the bill and insert "one month" in lieu thereof

2d Strike out the words "fifty" where they occur in the bill and insert "ten" in lieu thereof

3d Strike out all of Sec 1 – of the bill after the words "three month from the date thereof"

4th Insert the word "two" before the word "three" in Sec 2 of bill – As so amended it is the opinion of the undersigned that the bill should not pass. Your Committee is of the opinion that trade should be free, and that the public welfare is best promoted by such freedom, we regard as an axiom – Any restraint upon such freedom imposed by law should result from the necessity of raising a revenue and that restraint should be as small as possible and so adapted to the commerce thus crippled as to impose as small a burden as is consistent with making it share its proportion of the burdens of taxation. Commercial travelers as a rule do not ply their vocations in any one County for a longer period than thirty days and the other two months license for which by the terms of this bill they are compelled

the fifty dollars license imposed might as well be taxed to them for one month as for the three months the period fixed by the bill. The burden imposed is not therefore adapted to the business sought to be taxed but is purposely so arranged that it may operate as a practically prohibitory burden on those who pursue said avocation. while the few may be profoundly and pecuniarly interested in preventing competition in the sale of merchandize such is not the interest of the majority of our people who comprise the consuming rather than the trading class. Because the former class is most noisy around the halls of Legislation it is believed by the undersigned that the public interest coincides with the class last named. Whatever differences may exist as to the foregoing propositions there is in the view of the undersigned one insuperable objection to the passage of this bill, as it will affect those whom it is mainly designed to reach viz: Commercial travellers from other States and territories of the American Union. By Sec 8. of Art 1. of the constitution of the United States the Congress has power "to regulate commerce x x among the several States" and "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers"
By omitting to pass laws on this subject Congress has willed that this commerce shall be free. (91. U. S. S. C. R. 275) A license tax upon the sale of goods is in effect a tax upon the goods themselves Supra- Nor can this Territory directly or indirectly legislate in hostility to this commerce between this Territory and another State of the United States at any time nor can it by direction or indirection tax the goods which are the subject of that commerce until they have reached this Territory. nor then until they have become incorporated and mixed up with the mass of property in the Territory. All these principles have been affirmed and reaffirmed by the highest Judicial tribunals known to the constitution. They are entitled not merely to a sullen obedience. they should have our cheerful support. If Congress instead of willing that commerce between the States should be free which it has done by its silence had provided that persons proposing to engage in it should apply at the treasury department and for a license fee of fifty dollars then paid should receive a license permitting them to conduct inter state commerce and that thus armed they should come to Montana would we find in the proposed Legislation authority to imprison them for doing that which Congress had authorized them for a consideration expressly to do? Assuredly not. No more can we find such a sanction for this Legislation conceding Congress has remained silent thereon. With whatever plausible guises this bill may be covered its incontestable result will be the [illegible] of [illegible] and a bar!

If these views are correct the effect of this law will be to tax our own commercial travellers who represent our own business houses as to whom its constitutionality is undoubted and those from oth States will be absolved from such taxation thereby discriminating seriously against our own merchants. and an anomalous condition of affairs must remain for two years before which time it will be impossible to repeal this law under the law permitting only biennial sessions. The law will therefore be a grievous burden upon those whom it was hoped to benefit thereby.

Failing to find for it any warrant in the Constitution or any call for it dictated by correct views as to the public welfare the undersigned recommend that the bill do not pass.

All of which is respectfully submitted

W. F. Sanders

Mr Harrington moved to adopt the minority report and amendments. and a division of the question being called for. the 1st Amendment proposed was considered and adopted.

Mr Sanders moved to amend the second Amendment by substituting the words "strike out the word "fifty" where it occurs in Sec 1. of the bill and insert the word "ten" in lieu thereof" which Amendment to the amendment was accepted and the Amendment adopted. The 3rd and 4th Amendments recommended in the report were separately considered and adopted.

Mr McCormick moved that the Bill and Amendments be made the Special Order for half past 2: O'clock P.M. which motion was lost. And the Amendments were ordered engrossed.

The Judiciary Committee reported as follows:

Mr Speaker: Your Judiciary Committee beg leave to report that it has had under consideration C. B. No 5 - "An Act to incorporate the town of Butte" and recommend that said bill be amended by striking out all of Sec 23. of said act. Also strike out all that portion of Sec 24. embraced in lines 11. 12. + 13. and which reads as follows. "if a majority of the electors of said City vote in favor of this Charter within thirty days from its acceptance as aforesaid". And insert before the word proceed in line 14 of Sec 24 the words "within thirty days from the passage of this act" Also st [illegible] out all of sections "25 + 26" of said act. Amend by

[illegible]

Your Committee recommend that said Bill do pass.

Robinson Chairman

The amendments reported were on motion adopted and ordered engrossed.

Mr Beach Chairman of a Select Committee presented the following majority and minority reports

Mr Speaker: A majority of your Special Committee to whom was referred H. B. No 25. "An Act in relation to Irrigation and Water Rights" beg leave to report that they have had the same under consideration and find the Water question a very intricate and unsettled one, and we have thought best to report a Substitute for said Bill and recommend that it be adopted and would further recommend that said Substitute do pass.

Combs. Beach. Barbour.
Marion. Cornick. Hamilton
Perkins.

The minority report was as follows:

Mr Speaker: A minority of your Select Committee to which was referred H. B. No 25. "An Act to amend An Act in relation to Irrigation and Water-rights" beg leave to report that they fully agree with the majority that the question is a very intricate one and one involved in much obscurity. And as the question is of great importance and one in which the best legal talent of the country are not agreed. We think it not advisable to enter into any hasty or illadvised legislation upon the subject. We believe the intention of both the Bill and Substitute to be to legislate upon rights acquired both before and after the passage of the Act which is sought to be amended. That in this it would conflict with Sec 7. of the Act which reads "that this act shall not be so construed as to impair or in any way or manner interfere with the rights of parties to the use of the waters of such Streams or Creeks acquired before its passage" Such an Amendment as proposed would involve the law in a contradiction of terms and open the way by which endless litigation and trouble would be inaugurated. We also further believe in the light of our personal experience upon the subject that what the majority of the Committee recommend will only render "confusion worse confounded". We are therefore under the profound conviction that, that which cannot be improved had better be let alone

All of which is respectfully submitted

Thorpe
Wilson

On motion of Mr Beach the Majority report and Substitute accompanying were adopted. and the Substitute ordered Engrossed

The following Notices of the introduction of Bills were given
By Mr Edwards.
A bill for "An Act concerning Licenses".
By Mr Sweeney.
"An Act to punish the husband for fraudulently transfering or causing to be transferred Real and Personal property to the Wife with intent to defraud Credito

By Mr Forbis.
A bill for "An Act to provide for printing certain reports"

By Mr Hamilton
A bill in relation to license tax on Billiard Tables".

The following Message was received from the Council
Council Chamber
Feby 6th 1879

Mr Speaker.
I am directed by the Council to inform the House that - Holter introduced C.B. 28 - An act to correct errors in references to Sections of the Code of Civil procedure At the request of the House the Council herewith transmits C.B. 13 - "An Act prescribing the penalty for murder"
Respectfully
Harry R. Comly
Chief Clerk.

On motion of Mr Beach the Rules were suspended and C.B 13. was re-committed to the Judiciary Committee

The following Message was received from the Council
Council Chamber
Feby 5th 1879

Mr Speaker
~~I am directed by the Council to inform the House~~
that Mr Kinnon introduced - C.B. 27 " An Act to repeal Sec 6 Act to provide for the collection of revenue approved Jany
~~" gave notice of An Act to correct errors in~~

Council has receded from its amendment to Sec 2 of H.B. 3. "An Act relation to Swine" and insists upon its amendment to Sec 3 of said Bill. That the Council has concurred in House Amendment to the title of C.B. 17 – and the bill is ordered enrolled. That the report of the Judges of the Supreme Court requested by the House has been referred to the Com on Judiciary and is now in the Committee's hands.

Respectfully
Henry R. Comly
Chief Clerk

Mr McCormick moved that the House do concur in Council Amendment to Sec 3. of H.B. 3. "An Act in relation to Swine" which motion prevailed.

Mr Still introduced H.B. 47 - An Act to establish and regulate the fees of Witnesses, Jurors and certain officers of Montana Territory" which was read a 1st and 2nd time and Mr Hoyes moved that it be indefinitely postponed which motion was lost. and the bill was referred to the Judiciary Committee.

Mr Harrington introduced H.B. 48 - An Act to provide for keeping the records of the District Court at the County Seats of the Counties where such courts may be held. which was read a 1st and 2nd time and Mr Robinson moved to suspend the Rules. that the Bill be considered engrossed and placed upon the Calendar for 3rd reading which motion was lost. and the bill was referred to the Judiciary Committee.

On motion of Mr Haughton the House took a Recess until 2. O'clock.

2. O'clock P.M

House resumed. Mr Speaker in the Chair

Roll called – Quorum present

Absent with leave Mr Boardman

Mr Fergus introduced H.B. 49 = "An Act in relation to tax of Live Stock" which was read a 1st time and Mr Forbis m that the Bill be rejected which motion was lost. the Bill was a 2nd time and on motion of Mr Sa and the Bill was referred to the Co

House B. No. 50 - An A of the Legislative A add after word office in tenth line. "Except members of the Legislative Assembly" and to add after enacting clause "Sec 1." which amendment was adopted

Mr Stall moved to amend as follows:

Sec 2. No contractor for the care and maintenance of the Insane or Convicts of this Territory or for the labor of such convicts shall be elligeble to the Legislative Assembly, nor shall such contract be let to a member of the Legislative Assembly during his term. which Amendment was adopted and the Bill referred to the Printing Committee

The Enrollment Committee reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that C.B No 8- consolidating the County Offices of Beaverhead and Custer Counties was presented to the Governor at 3:15 P.M. Feby 5th 1879.

Forbis.

Mr Robinson introduced H.B 51- "An Act in relation to Public Administrator:" which was read a 1st and 2d time and Mr Sanders moved to amend as follows: add to repealing clause "but such repeal shall not take effect until the first Monday of December A.D. 1880." Amendment was adopted and the bill referred to the Committee on Printing.

The following Message was received from the Governor:

Territory of Montana
Executive Department
Helena February 6th 1879.

To the
House of Representatives.

On the 5th day of February A.D 1879 I approved the following bills to wit:
H.B. No 29- Entitled. An Act for the relief of A.C. Botkin
H.B. No 21- Entitled An Act to change the name of Sing On
name of George Taylor,
J.R. No 4.

Respectfully
B. F. Potts

H. J. M. No 5 - "In regard to Chinese Immigration" was read a 3d time and passed as follows:

Those voting Ayes were.

Barbour. Brooke. Combs. Cornick. Edwards. Forbis. Hamilton. Harrington. Marion. McElroy. Mood. Noyes. Perkins. Robinson. Stuart. Sweeney. Wilson. Mr Speaker — 18.

Those voting Nos were.

Beach. Boyer. Fergus. Sanders. Stull. Thorpe — 6.

Absent Mr McCormick

Absent with leave Mr Boardman

Title was agreed to.

H. J. M. No 8 - "In relation to Military Telegraph from Deadwood Dakota to Fort Ellis Montana" was read a 3d time and passed by the following Vote:

Ayes — Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards
Fergus. Forbis. Hamilton. Harrington. Marion. McElroy. Mood.
Noyes. Perkins. Robinson. Sanders. Stull. Stuart. Sweeney
Thorpe. Wilson. Mr Speaker — 24.

Noes — None. Absent Mr McCormick.

Absent with leave Mr Boardman.

Title was amended to read: "In relation to Military Telegraph"

H. B. 17 — "An Act to establish the fees of District Attorney" was read a 3d time and passed by the following Vote:

Those voting Ayes were.

Barbour. Beach. Boyer. Combs. Edwards. Fergus. Forbis. Harrington. McCormick. Mood. Perkins. Robinson. Sanders. Stull. Stuart. Sweeney. Thorpe — 17.

Those voting Nos were.

Brooke. Cornick. Hamilton. Marion. McElroy. Noyes. Wilson. Mr Speaker — 8.

Absent with leave M Boardman

Title was agreed to.

C. B. 19 - A bill for An Act to provide for the support and maintenance of the Philipsburg Fire Department was read a 3d time and passed as follo[illegible]

Ayes — Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards
Fergus. Forbis. Hamilton. Harrington. Marion. McCormic[illegible]
Mood. Noyes. Sanders. Stull. Stuart. Sweeney. Thor[illegible]
Wilson. Mr [illegible] 2[illegible] Absent M[illegible]

C. B. No. 6 – "An Act amendatory of Sec. 286. of the Criminal Practice Act" was read a 3d time and lost by the following Vote

Ayes – Brook. Hamilton. Marion. Mood. Perkins. Stuart. Wilson – 7.

Noes – Barbour. Boyer. Combs. Cornick. Edwards. Fergus. Forbis. Harrington. McCormick. McElroy. Noyes. Robinson. Sanders. Stall. Sweeney. Thorpe. Mr Speaker – 17.

C. B. 5 – An Act to incorporate the town of Butte being before the House for a 3d reading. Mr Forbis moved to suspend the Rules and read the same by title which motion prevailed the bill was so read and passed by the following Vote:

Ayes – Barbour. Beach. Combs. Fergus. Forbis. McCormick. Mood. Noyes. Robinson. Sanders. Stall. Stuart. Mr Speaker – 13.

Noes – Boyer. Brook. Cornick. Edwards. Hamilton. Harrington. Marion. McElroy. Perkins. Sweeney. Thorpe. Wilson – 12.

Absent with leave Mr Boardman

C. B. 7. – "An Act to prevent trespassing of animals upon private property" was read a 3d time and passed by the following vote

Ayes – Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Marion. McCormick. McElroy. Noyes. Perkins. Robinson. Sanders. Stall. Stuart. Sweeney. Thorpe. Mr Speaker – 22.

Noes – Harrington. Mood. Wilson. – 3.

Absent with leave Mr Boardman

Title was agreed to.

The following Message was received from the Council:

Council Chamber
Feby 6th 1879.

Mr Speaker.

I am directed by the Council to inform the House that: The following notices were given of the introduction of bills

By Sanders – "An Act to encourage the construction of Artesian Wells in Montana"

By Sidman. "An Act concerning water rights

H. L. Mr Hays introduced.

[illegible] Act to provide [illegible]

Laws of Montana Territory"

That C. B 27 - An Act to repeal Sec 6. of An Act to provide for the collection of revenue approved January 12th 1872 was read third time and passed the Council and is herewith transmitted

Respectfully
Harry R. Comly
Chief Clerk.

Mr Robinson was granted leave of absence for the day

Mr Hamilton moved to suspend the Rules and allow of the introduction of a bill by Mr Marion which motion prevailed and the bill was introduced and placed on Calendar for 1st reading

On motion of Mr Forbis the House adjourned.

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk.

Twenty Sixth Day.

House of Representatives
Feby 7th 1879.

House met pursuant to adjournment

Mr Speaker in the chair.

Roll called - Quorum present
Absent with leave Mr Boardman

Prayer by the Chaplain.

Mr Perkins presented a Petition from Citizens of Gallatin County opposing exemption of R.R's from taxation.

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on enrollment beg leave to report that it has examined and compared.
C. B. No 3 - "An Act to provide compensation for certain printing
C. B. No. 12 - "An Act to enlarge Homesteads" and
C. B. No 17 - "An Act in relation to escheated Estates" And find each of said bills correctly enrolled.

Forbis.

Mr Harrington from the Committee on Printing reported as follows:

Mr Speaker: Your committee on Printing to whom was referred the Report from County Clerk of Missoula Co have examined the same and find it correctly printed

Harrington.

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred House Amendments to Council Bill No 1 - "An Act concerning limitations" also Substitute for H. B. No 25 - a bill to amend an Act in relation to irrigation and water rights" and H. B. No. 11 An Act to amend Sections 9 of Chapter 37 of an Act of the Legislative Assembly of Montana Territory entitled an Act revising re-enacting and codifying the General and permanent laws of Montana Territory approved January 10th 1872:

mined the same and [illegible] correctly engrossed

The Judiciary Committee made the following majority and minority reports.

Mr Speaker: The Judiciary Committee to which was referred H. B. No 27- A bill for An Act to repeal Sec 156. of the Criminal law. beg leave to report that it has considered said bill and recommend that it do not pass. Robinson Chairman.

The minority report was as follows:

Mr Speaker: A minority of your Committee on the Judiciary to which was recommitted H B No 27- "An Act to repeal Section 156 of the Criminal practice Act" beg leave to report that in the judgment of the Undersigned. Said bill ought to pass. for the following reasons to wit: First the Act is in direct opposition to the public sentiment of the county. and for that reason no effort has ever been made to enforce it in any portion of the Territory so far as a minority of your Committee is advised. And the fact is notorious that notwithstanding this Statute. Soldiers buy and drink whisky in all the public Saloons of the Territory with as little restraint as any other class of persons Second- Whisky is permitted to be sold to soldiers by the Government of the United States on all of its Military Reservations. And in as much as the Territory cannot prevent or regulate the sale of whisky upon Military Reservations. it would seem that there is no consideration either of a public or private Character why this Statute should not be repealed. For the reasons above stated a minority of your Committee recommend that the bill do pass.

McCormick.

Mr Stall moved that the Minority report of the Judiciary Committee be adopted which motion prevailed and the bill was ordered engrossed.

The Committee on Grazing and Stock-growing made the following Majority and Minority reports on H B 34. "An Act to exempt hay from taxation"

Mr Speaker: The undersigned respectfully submit the following majority report relative to H B 34. exempting hay from taxation. We do not see that hay should be exempt from taxation more than grain in the bin or merchandise on the shelf that is taxed year after year. Our wagons and ha our plows and harrows. our mowing machines and rakes are each succeeding year and as they grow older they become valuable. And are returned to the Assessor at a less rate.

[illegible]

becomes only fit for manure. then let it perish. Too much exemption is establishing a bad precedent. and if it prevails at present the next Legislature will be appealed to by every merchant and Stock-grower in the Country for exemption

Boyer
Perkins
Fergus.

The minority report was as follows:

Mr Speaker. A minority of Your Committee to whom was referred H. B. No 34. have had the same under consideration and recommend that it do pass

Brooke.

The Bill was ordered engrossed

Mr McCormick from the "Ways and Means" Committee reported as follows:

Mr Speaker. Your Committee of Ways and Means to whom was referred Council Bill No 4. respectfully report that they have carefully considered the same. and recommend the following amendments. Insert after the word sealed where it occurs in line seven Section two the words "with the County Seal" Also strike out the words "Ninety Six" where they occur in line fifteen of section two and insert in lieu thereof "Ninety Seven". Also in Section four strike out the words. One hundred five hundred and Strike out Section twelve. With these amendments Your Committee recommend that the Bill do pass.

Respectfully Submitted
McCormick
Chairman

On motion of Mr Brooke the amendments reported by the Committee were adopted and the Bill as amended was ordered engrossed.

The Judiciary Committee reported as follows:

Mr Speaker: A majority of your committee on the Judiciary has had under consideration so much of the message of his Excellency the Governor as reads as follows. "Section two of the election law provides that no person convicted of treason. felony or bribery unless restored to civil rights shall be permitted to vote at any election in the territory. As no officer appears [illegible]ed with the authority to restore persons convicted

[illegible]

your hands conferring authority to restore persons to their civil rights who have forfeited the same by the commission of crime. A person convicted of a felony should not in my opinion be restored to civil rights except for meritorious character as a citizen before conviction and good conduct during confinement in prison". Sec 2. of an Act of the Congress of the United States entitled An Act to provide a temporary government for the Territory of Montana approved May 26th 1864, among other things provides that the executive power and authority in and over said territory of Montana shall be vested in a Governor x x x He may grant pardons and respites for offences against the laws of said territory and reprieve for offenses against the laws of the United States until the decision of the President of the United States can be made known thereon x x x." By Sec 2. of Art 2 of the Constitution of the United States it is provided that the President shall have the power to grant reprieves and pardons for offenses against the United States except in cases of impeachment. Although the organic act of the Territory as such has been repealed and its provisions embodied in a revision of the laws of the United States no function of the Governor as affecting his authority to grant pardons has been impaired. This authority in the Executive department has been secure since the organization of this Territory. Your Committee is of the opinion that it is not in the competency of this Legislative Assembly to curtail this function of the Executive in any manner whatever. With the pardoning power thus vested in the Governor as to offenses against the Territory and in the President as to offences against the United States. Your Committee has proceeded to enquire as is recommended by his Excellency whether the provisions of Section two of the Election law are in the absence of further Legislative enactments nugatory. The effect of the Pardon which it is within the competency of the Executive department to grant as affecting the civil rights of the Criminal pardoned is not doubtful. It has been frequently determined by the Supreme Court of the United States and one of its latest authoritative decisions was rendered at the October term 1877 {95 United States Supreme Courts Reports pp 149-157} in which in accordance with former decisions it is fully and unanimously determined that "A pardon is an Act of grace by which an offender is released from the consequences of his offense so far as such release is practicable and within control of the pardoning power or of officers under its direction. It releases the offender from all disabilities imposed by the offence and restores him to all his civil rights" With the pardoning power thus vested in the Executive and the consequences of a pardon thus [illegible] and [illegible]

[illegible]

further legislation is required and that it is not within the province of the two houses to transfer the authority, curtail the exercise of the right - or limit its consequences when exercised.

That this is the view which has heretofore obtained in this Territory in the Legislative Assembly cannot be doubted. Sec 286 of the Criminal practice Act approved January 12 1872. provides that a conviction for felony shall operate as a disability to serve as a Juror unless the Juror has been fully restored to the rights and privileges of a Citizen by pardon while the disabilities which attach to a person accused and convicted of a felony are not specified in the sentence they nevertheless are a part of the punishment for the offence and the pardon operates to release the party convicted of the remaining imprisonment and fine and also of that other punishment which consists of his disability to vote or serve as a Juror

That instances may occur when this right may be called into exercise without impairing the public safety or abolishing the discrimination which ought to be rigidly maintained between the law-abiding and criminal classes is not doubted but the exercise of this right is to be determined by the Executive department on individual cases as they may arise and no rule of universal application could be formulated nor is it desirable. Least of all is it proper that the Legislative Assembly should invade the Executive department in this regard and a Majority of Your Committee reports back this subject to the House asking that it be discharged from further consideration of the same. All of which is respectfully submitted

W. J. McCormick
W. F. Sanders.
John F. Forbis.

Notices of the introduction of Bills were given as follows:

By Mr Forbis.

A bill for an act in relation to mechanics liens

By Mr Stuart

A bill for an Act to amend the Town Site law

By Mr Robinson

A bill for An Act to amend an Act concerning crimes and punishments

C. B. 27. An Act to repeal Sec 6 of an act to provide for the collection of Revenue approved Jan 12th 1872 was read 1st time and [illegible] moved to reject the bill which motion was lost on Ways and Means"

The following Message was received from the Council

Council Chamber
Feby 7th 1879

Mr Speaker.

I am directed by the Council to inform the House that Seidman gave notice of a bill entitled "An Act to reapportion the Members of the Legislative Assembly" Holter introduced C. B. 30. "An Act to amend Sec 10 of An Act concerning licenses" H B 22. "An act to establish and regulate the fees of Assessors" has passed the Council with amendments and is transmitted.

Respectfully
Harry R Comly
Chief Clerk.

H B 22. and Amendments referred to in Council message was referred to the Committee on "Ways and Means".

Mr Edwards introduced H. J. M. No 10. asking establishment of a Land Office at Miles City in Custer Co M.T. which was read a 1st and 2d time and Mr Sanders moved to suspend the rules. that the memorial be considered engrossed read a 3d time by title and put upon its final passage which motion prevailed and the Memorial was passed by the following vote:

Ayes - Barbour. Beach. Boyer. Brooke. Coombs. Cornick Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McCormick McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stull Stuart Sweeny. Thorpe. Wilson. Mr Speaker. Noes None

Absent with leave Mr Boardman

Title was agreed to.

Mr Hamilton introduced H B. 52. "An Act to amend an act concerning licenses" which was read a 1st & 2d time and under a suspension of the Rules was referred to the Committee on "Ways and Means".

Mr Fergus introduced H B 53. "An Act in relation to fees of Sheriffs" which was read a 1st time and Mr Hamilton moved that the Bill be rejected. Upon which they Ayes and Noes were called when the motion was lost by the following vote:

Ayes - Barbour Cornick Forbis Hamilton Marion McElroy Noyes Robinson 8.

Noes - Beach. Boyer. Brooke. Coombs. [illegible] Fergus H[illegible]
McCormick M[illegible]

Mr Robinson moved the following amendment insert at end thereof as follows: That in addition to the fees now allowed by law the Sheriff shall be entitled to receive for each paper they are required by law to serve by copy. for making out such copies twenty cents per folio.

On motion of Mr McCormick the House took a recess until 2: O'clock P. M.

2: O'clock P. M.

House resumed Mr Speaker in the Chair.

Roll called Quorum present.

Absent with leave Mr Boardman

Mr Speaker announced the business under consideration to be the Amendment of Mr Robinson to H. B. 53 - which question being put the amendment was lost.

Mr Sanders moved to amend by striking out one dollar where it occurs and inserting seventy five cents in lieu thereof

Mr Speaker announced that he was about to sign C. B. 12. "An Act to enlarge Homesteads" also the was about to sign C. B. 3 - "An Act to provide compensation for certain printing" Also C. B. No 17 - "An Act relating to Escheated Estates"

Mr Hamilton moved a call of the House. Roll called absent Mr McElroy.

On Motion of Mr Hamilton further proceedings under the call of the House were dispensed with and the Ayes and Noes being called on the amendment of Mr Sanders the Amendment was lost by the following vote:

Ayes - Mr Sanders - 1

Noes - Barbour. Beach. Boyer. Brooke. Combs. Cormick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McCormick. McElroy. Mood. Noyes. Perkins. Robinson. Still. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker 24

Absent with leave Mr Boardman.

[illegible] ilton [illegible] ed the following amendment to Sec 1. The

[illegible] the County of Lewis

moved the Previous question which was sustained. when the Ayes and Noes being called for the Amendment was lost by the following Vo-

Ayes – Forbis. Hamilton. Marion. McElroy. Noyes. Robinson. 6.

Noes – Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards Fergus. Harrington. McCormick. Mood. Perkins. Sanders. Steell. Stuart. Sweeny. Thorpe. Wilson. Mr Speaker – 19.

Absent with leave Mr Boardman.

The Bill was then referred to the Judiciary Committee.

H. B. No 54 – An Act to establish and regulate the fees of Coroners. introduced by Marion was read a 1st time and on motion the Bill was rejected.

Mr McCormick moved that the House do now adjourn. which motion was lost.

The House proceeded to the consideration of the Special Order for the hour of half past two P.M. such order being H.B 28 – An Act for the relief of St. Johns Hospital" and the question being upon its final passage the bill was passed as follows:

Those voting Aye were. Barbour. Beach. Boyer. Brooke Combs. Cornick. Edwards. Fergus. Hamilton. Marion. McCormick. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Steell. Stuart. Sweeny. Wilson. Mr Speaker: 22. Those voting No were Harrington Thorpe – 2. Absent Mr Forbis. Absent with leave Mr Boardman.

Title was agreed to.

On motion of Mr Brooke the House adjourned.

Jas E Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

Twenty Seventh Day.

House of Representatives
Feby 8th 1879.

House met pursuant to adjournment.

Mr Speaker in the Chair.

Roll called - Quorum present
Absent with leave Mr Boardman

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred House Amendments to C. B. No 4. An Act to provide for the funding the outstanding twelve per cent bonds of Jefferson Co - Also - H. B No 34. An Act to exempt Hay from taxation" with Amendments thereto. and H. B. No 27. An Act to repeal Section 156. of the Criminal Laws. with Amendments have examined said Amendments and find the same correctly engrossed. Harrington.

The Committee on Printing made the following report.

Mr Speaker: Your Committee on Printing to whom was referred H. B. No 42 - A bill for an Act to provide compensation for the Clerks of the District Courts. and H. B No 43. A bill for an Act to provide for the payment of certain expenses." have examined said Bills. and find the same correctly printed
Harrington Chairman

H. B 43. reported correctly printed was referred to the committee on "Ways and Means".

H. B 42. reported correctly printed was referred to the ciary Committee.

[illegible] presented the following report

Mr Speaker: The Chairman of the Judiciary Committee begs leave to report that the report submitted by three members of the Judiciary Committee On that portion of the Governors Message in reference to Pardons has not been the result of any action of said Committee in said matter. but that said matter has not been considered by said Committee and said report is the report of said Members as individual members. and not as the action of said Committee.

That when said matter is considered by said Committee it will report thereon as such Committee.

Robinson Chairman.

Notices of the introduction of bills were given.
By Mr Thorpe.
A bill for An Act to amend Sec 3. of An Act to authorize the holding of County Teachers Institutes".
Also A bill for "An Act to provide for a System of Common Schools"
By Mr Forbis.
A bill for "An Act to regulate certain Elections".

The following Message was received from the Council

Council Chamber Feby 7th 1879.

Mr Speaker,
I am directed by the Council to inform the House that C. B. 26 "An Act to amend sections 158 and 340 of the criminal practice Act" has passed the Council and is herewith transmitted

Respectfully
Henry R. Comly.
Chief Clerk.

C. B 26 - transmitted with Council message was read a 1st time and Mr Robinson moved to reject the bill which motion was lost Mr Sanders moved to suspend the Rules read the bill 2d and 3d time By Title and put it upon its final passage which motion prevailed and the Ayes and Noes being called the bill was lost by the following Vote:

Ayes - Beach. Brook. Combs. Edwards Hamilton Mead
Sanders. Stuart Sweeney Wilson - 10

Noes - Barbour Boyer Cornick Fergus Forbis He
Marion McCormick McElroy Mayes Parkins
Stull Thorpe

Mr Cormick introduced H. B. 55 "An Act to amend An Act entitled An Act to provide a Code of Civil Procedure in the Territory" which was read a 1st and 2d time and referred to the Judiciary Committee.

Mr Stuart introduced H B. 56 - An Act amending the Town Site law" which was read a 1st and 2d time and referred to the Printing Committee.

Mr Robinson introduced H. B. 57 - A bill for An Act to amend an Act entitled An Act concerning crimes and punishments" which was read a 1st and 2d time and referred to the "Printing Committee" also

H. B. 58 - An Act in relation to corporations which under a suspension of the Rules was read a 1st and 2d time by Title and referred to the Printing Committee.

Mr Sanders introduced H B 59. "An Act amending the Civil Code" which was read a 1st and 2d time and referred to the Printing Committee.

Mr Hamilton introduced H B. 60 - "An Act creating and organizing the Militia which was read a 1st and 2d time and Mr Brooks moved to amend as follows. Strike out "forty five" where it occurs in Sec 1. and insert fifty five which amendment was adopted and the bill was on motion referred to the Committee on "Indian Affairs".

On motion of Mr Sweeney the House took a Recess until 2 O'clock P.M.

2. O'clock. P.M.

House resumed - Mr Speaker in the Chair.

Roll called - Quorum present

Absent with leave Mr Boardman

H B. 27 - An Act to repeal Sec 156 - of the Criminal laws. was read a 3d time and passed by the following vote:

Ayes - Barbour, Beach. Boyer. Cormick. Edwards. Fergus
Hamilton. Harrington. Marion. McCormick. McElroy
Mood. Hayes. Perkins. Robinson. Sanders. Stull Sweeney
Wilson. Mr Speaker - 20

Stee & Thorpe. 3

Absent with leave. Bourdman. Absent Brooke. Coombs

Mr McCormick moved to re-consider the vote by which H.B. 27 was passed which motion Mr Marion moved to lay upon the Table. the motion to lay upon the Table prevailed. Title of the bill was amended to read "An Act to repeal an act prohibiting the sale of liquors to soldiers".

H.B. 34 - "An Act to exempt Hay from taxation" was read a 3d time and passed by the following Vote:
Ayes - Barbour. Brooke. Coombs. Cornick. Hamilton. Harrington
Marion. McCormick. McElroy. Sanders. Stell. Sweeny.
Mr Speaker - 13.
Noes - Beach. Boyer. Edwards. Fergus. Forbis. Mood. Noyes.
Perkins. Robinson. Stuart. Thorpe. Wilson. 12.
Absent with leave Mr Bourdman
Title was agreed to.

H.B. 25. An Act to amend an Act in relation to irrigation and Water rights was read a 3d time and passed by the following Vote:
Ayes - Barbour. Beach. Boyer. Brooke. Coombs. Cornick. Edwards
Fergus. Hamilton. Harrington. Marion. McCormick.
McElroy. Mood. Noyes. Perkins. Robinson. Stell. Stuart
Sweeny - 20.
Noes - Forbis. Sanders. Thorpe. Wilson. Mr Speaker - 5.
Absent with leave Mr Bourdman
Title was agreed to.

H.B 11. An Act to amend Sec 9. of chapter 37. of an Act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory was read a 3d time and passed by the following vote:
Ayes - Barbour. Beach. Boyer. Brooke. Coombs. Cornick. Edwards
Fergus. Forbis. Harrington. Marion. McElroy. Mood.
Noyes. Perkins. Robinson. Sanders. Stell. Stuart.
Mr Speaker. 20.
Noes - McCormick. Sweeney. Thorpe. Wilson - 4.
absent Hamilton Absent with leave Mr Bourd
Title was amended to read "An Act in relation to the qualification of ju-

On motion of Mr McCormick the House adjourned until 10 o'clock A.M. Feby 10th

Twenty Ninth Day

House of Representatives
Feby 10th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present

Prayer by the Chaplain

Journal of twenty seventh day read and approved.

The Committee on Ways and Means reported as follows:-

Mr Speaker: Your Committee of Ways and Means" to whom was referred House Bill No 43 - beg leave to report that they have had the same under consideration and recommend that the same do pass as amended. All of which is respectfully submitted
McCormick. Chairman.

The bill was referred to the Committee on Engrossment:

The Committee on Territorial Affairs reported as follows:

Mr Speaker: Your Committee on Territorial Affairs to whom was referred C. B. No. 14 - having had the same under consideration beg leave to report the same back to the House with the following amendments to wit:

Amend Section 1st by adding as follows. And within 90 days before the time when such contract shall expire the Governor may renew the same on terms alike advantageous to the Territory for the further period of not exceeding two years unless otherwise prohibited by law.

Amend Section 4. by inserting in the 5th line between the words "Keeping" and "if" the following words. "And in case of death the necessary expenses of burial" Also amend Section 4 by striking out all after the 14th line thereof and insert in lieu thereof as follows Provided it shall be the duty of the Territorial Auditor previous to selling said Territorial Warrants to be published in a newspaper published at the sea warrants to be sold and the time and place of such sale: Amend Section 5 by adding thereto as follows.

Provided that the Governor may make provision in such contract that the Warden or other officers of the United States having charge and control of said Territorial Prison may retain not to exceed 30 per cent of such proceeds as compensation for his services in keeping and rendering accounts of such labor and accounting to the Treasurer therefor. And your committee recommend that upon the bill being so amended that it pass.

Surrey Chairman

The amendments recommended were separately considered adopted and ordered engrossed.

The Committee on the Judiciary reported as follows:

Mr Speaker: The Judiciary Committee to which was referred H. B No 47. A bill for An Act to establish and regulate the fees of Witnesses and Jurors and certain Officers of Montana Territory" beg leave to report that it has considered said bill and recommend that it do not pass.

Robinson Chairman

The bill was referred to the Committee on Engrossment

Mr Robinson from the Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred C B No 18 - A bill for an Act to amend Sec 55 of the Probate Practice Act" beg leave to report that it has considered said bill and recommend that it do not pass. Robinson Chairman.

Notices of the introduction of bills were given as follows:

By Mr Stall:

A bill for an act to establish and regulate the fees of County Superintendent of Common Schools.

By Mr Robinson

A bill for An Act regulating the fees and duties of County Commissioners. also

"An Act to authorize the representatives of deceased persons to maintain actions for injuries received in certain cases also to the duties of officers and a penalty for non performance thereof

By Mr Sanders. A bill for An Act to create and improve Highways of travel in Montana."

The hour of half past ten A.M. having arrived the House went into Committee of the Whole. Mr McCormick in the Chair and proceeded to the consideration of H.B. 20 - An Act to amend an Act entitled an Act providing for the collection of the Revenue approved Jan 12th 1872. being the special order for that hour.

House resumed Mr Speaker in the Chair.

On motion House took a Recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed Mr Speaker in the Chair.

Roll called - Quorum present

House went into Committee of the Whole and proceeded to further consider H.B. No 20 -
Mr McCormick in the Chair.

House resumed Mr Speaker in the Chair.

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Jas. E. Kanouse
Chief Clerk

Thirtieth Day

House of Representatives
Feby 11th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council

Council Chamber Feby 8th 1879

Mr Speaker.

I am instructed by the Council to inform the House that:

Mr Hickman introduced C. J. M. No 1 - Asking the establishment of a Cavalry Post at Henry's Lake and under a suspension of the Rules it has passed the Council.

H. J. M 10 - "Asking for the establishment of a U.S. Land office at Miles City, Custer County" has passed the Council.

The Council has concurred in House amendments to C. B. 19 - An Act to provide for the support and maintenance of the Philipsburg fire department

C. J. M. 1 - & H. J. M. 10 - aforesaid are transmitted.

Respectfully
Henry R. Comly
Chief Clerk.

H. J. M No. 10 - transmitted with the foregoing Message was ordered enrolled.

C. J. M. No 1 - asking establishment of Military post at Henry Lake was read a 1st and 2d time and referred to the Committee on "Federal Relations"

The following Message was receive [illegible] Council

Council Chamber
Feby 10th 1879

Mr Speaker.

I am directed by the Council to inform the House that:

H. J. M No 8 – In relation to Military Telegraph from Deadwood Dakota to Ft. Ellis Montana" with amendments and

H B 28 – "An Act for the relief of St Johns Hospital" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk.

On motion of Mr Sanders the Council Amendments to H J M. No 8 – were concurred in and the Memorial was ordered enrolled.

H. B. No 28 – "An Act for the relief of St Johns Hospital" was ordered enrolled

The following Message was received from the Council

Council Chamber
Feby 10th 1879

Mr Speaker.

I am instructed by the Council to inform the House that:

Conrad gave notice of the introduction of a bill for An Act to enable the County of Choteau to erect a Brick Court House and build roads in said County".
That C. C. R 5 – has passed the Council and is transmitted.
That Parberry introduced C. B 31 – "An Act to provide for the collection of the special road & poor tax –
That the following has passed the Council. H B. 37 – "An Act to provide compensation for the Fire Warden for the town of Helena" with amendments.
That Council Substitute for H. J. M. No 7 has passed the Counc
That H. B. 39 "An Act to enable the people of Butte to erect a School House" was lost – C C R 5. H B. 37. H J. M 7. and Council Sub for H J M 7 – and H B 39 – the four last named are

ctfully

On motion the Council Amendments to H. B. 37. were concurred in and the Bill was ordered Enrolled.

C. C. R 5- In relation to introduction of Bills & on motion of Mr Sanders its further consideration was indefinitely postponed.

The Committee on Enrollment reported as follows:

Mr Speaker.

Your Joint Committee on Enrollment beg leave to report that it has compared. C B No 19 - An Act to provide for the support and maintenance of the Philipsburg fire department"
Also H J. M No 2 - In relation to the Mullen wagon Road - and find each of said bills correctly enrolled.

Forbis.

C. (Subs) for H. J M No 7 - was read and on motion of Mr Stuart was adopted and ordered engrossed.

The following Message was received from the Council:

Council Chamber
Feby 10th 1879

Mr Speaker.

I am instructed by the Council to inform the House that:

Sedman introduced C B 32. "An Act concerning water" That H J. M. No 5 - also. C B. 23 - "An Act to amend an act providing for the collection of Revenue" have passed the Council and are transmitted.

Respectfully
Harry R. Comly
Chief Clerk.

H. J. M No 5. transmitted with foregoing Message was ordered Enrolled.

C. B 23 - An Act to amend an Act providing for the collection of revenue was read a 1st time and Mr Robinson moved to suspend the Rules read the bill a 2d and 3d time and put it upon its final passage which motion prevailed the bill was so read by Title and passed by the following Vote

Ayes - Beach. Boardman. Boyer. Brooke. Combs. Cornick
Edwards. Fergus. Forbis. Hamilton. Harrington
Marion. McElroy. Mood. Noyes. Perkins. Robinson
Sanders. Still. Stuart. Sweeney. Thorpe. Wilson
Mr Speaker. 24.
Noes - None

Absent Barbour. and McCormick.

Title was agreed to.

C.J.M. 2 - In relation to the enlargement of the U.S. Penitentiary of Montana. was read a 1st time and Mr Sweeney moved to suspend the Rules that the Memorial be read 2d and 3d time by Title and placed upon its final passage. which motion prevailed. the memorial was so read and passed by the following Vote:

Ayes - Beach. Boardman. Boyer. Brooke. Combs. Cornick
Edwards. Fergus. Forbis. Harrington. Marion
McCormick. McElroy. Mood. Noyes. Perkins
Sanders. Still. Stuart. Sweeney. Thorpe. Wilson
Mr Speaker - 23.
Noes - None.

Absent Barbour. Hamilton Robinson - 3.

Title was agreed to

The following Message was received from the Council:

Council Chamber
Feby 8th 1879

Mr Speaker.

I am directed by the Council to inform the House that:

C.J.M. No 2. In relation to the enlargement of the U S Penitentiary of Montana: and

C.B. 20. An Act concerning foreign Incorporations.

have passed the Council and are transmitted.

Respectfully
Henry R. Comly
Chief Clerk.

C. B. 20- An Act concerning foreign Incorporations was read a 1st and 2d time and referred to the Judiciary Committee.

C B. No 1- An Act concerning limitations. was read a 3d time and passed by the following Vote
Ayes- Barbour. Beach. Boardman. Boyer. Brooke. Combs.
Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington
Marion. Mood. Noyes. Perkins. Sanders. Stall Stuart-19
Nays- McCormick. Robinson. Sweeney. Thorpe. Wilson.
Mr Speaker - 6.
Absent Mr McElroy.
Title was agreed to.

C B. No 2- "An Act to provide for licensing Commercial Travelers" was read a 3d time and Mr McCormick moved that the bill be indefinitely postponed. Mr Robinson moved that it be laid upon the Table. which motion was lost. and the question being upon its indefinite postponement the motion was lost. The Bill was then put upon its final passage and lost by the following Vote
Ayes- Boardman. Brooke. Cornick. Forbis. Stuart Sweeney. - 6.
Noes- Barbour. Beach. Boyer. Combs. Edwards. Fergus. Hamilton
Harrington. Marion. McCormick. McElroy. Mood. Noyes
Perkins. Robinson. Sanders. Stall Thorpe. Wilson Mr Speaker - 20

Mr Robinson gave notice of motion to re-consider.
Mr McCormick moved that the House reconsider the vote by which C. B. No 2- was passed which motion upon motion of Mr Sanders was laid upon the table by the following Vote:
Ayes- Barbour. Beach. Boyer. Combs. Cornick. Edwards. Fergus.
Harrington. Marion. McCormick. McElroy. Mood. Noyes
Perkins. Sanders. Stall. Thorpe. Wilson. Mr Speaker - 19.
Noes - Boardman. Brooke. Forbis. Hamilton. Robinson. Stuart
Sweeney. - 7.

On Motion the House took a Recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed. Mr Speaker in the Chair.

Roll called - Quorum present

C. B. 18. An Act to amend Sec 55. of the Probate practice Act" was read a 3rd time and lost by the following Vote:
Ayes - Sweeney - 1
Noes - Barbour. Beach. Boardman. Boyer. Brooke
Combs. Edwards. Fergus. Forbis. Hamilton.
Harrington. Marion. Mood. Noyes. Perkins
Robinson. Sanders. Stull. Stuart. Thorpe. Wilson
Mr Speaker - 22.
Absent McElroy. McCormick. Cornick

C. B. 14 - An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U. S Penitentiary at Deer Lodge. was read a 3rd time and passed by the following Vote:
Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs
Cornick. Edwards. Fergus. Forbis. Hamilton
Harrington. Marion. McCormick. Mood. Noyes.
Perkins. Robinson. Sanders. Stull. Stuart. Sweeney
Thorpe. Wilson. Mr Speaker.
Noes - None
Absent Mr McElroy.
Title was agreed to.

C. B 4 An Act to provide for funding the outstanding 12% Bonds of Jefferson Co. M. T. was read a 3rd time and passed by the following Vote:
Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs.
Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington
Marion. McCormick. McElroy. Mood. Noyes. Perkins.
Robinson. Sanders. Stull. Stuart. Sweeney. Thorpe
Wilson. Mr Speaker.
Noes - None
Title was amended to read "An Act to provide for funding the Bonds of Jefferson Co M. T

The Committee on Enrollment reported as follows.

Mr Speaker.

Your Joint Committee on Enrollment have examined and compared H. B. No. 36. An Act to regulate the sale of intoxicating liquors; also H. B. No 1 - An Act in relation to [illegible] Public " " " " " addition and hereby report the same correctly enrolled.

Forbis.

Mr Speaker announced the he was about to sign H. B 1 - An Act in regard to Notaries Public. also that he was about to sign H. B 36. An Act to regulate the sale of intoxicating liquors - Also H. J. M 2 In relation to repair of Mullen Road. Also H J. M. 9 - Asking additional improvements on the Yellowstone and Upper Missouri Rivers.

H. B 3. An Act in relation to Swine was ordered enrolled.

Mr Noyes presented a Petition from Citizens of Deer Lodge Co in relation to exempting R. R's from taxation.

The Committee on Printing reported as follows:

Mr Speaker:
Your Committee on Printing to whom was referred Substitute for H B No 13. An Act concerning diseased animals and H B No 46. A bill for An Act to regulate the fees of Probate Judges and Clerks of the Probate Court and Executors and Administrators. also H B No 50. An Act to define the qualifications of Members of the Legislative Assembly and for other purposes. and also H B No 59 An Act amending the Code of Civil Procedure. have examined the same and find them correctly printed.

Harrington.

The Bills reported correctly Printed were referred as follows:
H B 50 - To the Judiciary Committee
H B 13 - To the Grazing and Stock-growing Committee.
H B 46 - and H B 59 to the Judiciary Committee.

Mr McCormick Chairman of the Committee of the Whole on H B No 20 - reported as follows:

Mr Speaker. Your Committee of the Whole House to which was referred H B 20 An Act to provide for the taxation of the proceeds of Mines. has had the same under consideration and has instructed me to report the same back to the House with the following Amendments to wit: Amend Section one (1) by inserting after
~~the from in line four (printed copy of the Bill) the words each of~~
~~Amend by adding the~~ Bill Pass

portion thereof of the Officers of any Corporation not actually engaged in the working of such Mine or Mines or personally superintending the management thereof. Also amend Section five by inserting before the words "Quartz Lead" in line one printed copy of the bill the words "Placer Claims" Also amend said Section by inserting after the word "Lode" in line two printed copy of the bill the following "except to the extent of the price paid for any Mining Claim in obtaining Patent therefor from the Government of the United States" Also amend said Section by striking out the word "permanent" after the word taxation in line three printed copy of the bill. Also add the following to Section five of the Bill "Provided further that the Assessor shall at the time of assessing any person firm corporation or association have the power to examine the books and accounts of such person firm corporation or Association to fully satisfy said Assessor that he has been furnished with a truthful report. And if satisfied from such examination that the report is false he shall assess the same at the true amount of the net proceeds so near as he can arrive at the same. provided that none by virtue of the provisions of this act shall be deprived of his right to appear before the proper Board of Equalization as other tax payers under existing laws. Amend by striking out Section six (6).

The Committee recommend that the above amendments to the Bill be adopted and as thus amended the bill do pass All of which is respectfully submitted

McCormick

Mr McCormick moved that the amendments reported be adopted which motion prevailed and the bill was ordered engrossed

The Judiciary Committee reported as follows:

Mr Speaker. The Judiciary Committee to which was referred H B No 48 – A bill for an Act to provide for Keeping the Records of the District Court at the County Seats of the Counties where such Courts may be held. beg leave to report said bill back without any recommendation

Robinson
Chairman

Mr Robinson moved that the Rules be suspended the bill be engrossed and filed for 3rd reading which motion

The Judiciary Committee reported as follows:

Mr Speaker. The Judiciary Committee to which was referred H B No 33- A bill for An Act concerning the appropriation of money collected for license tax beg leave to report the same back without recommendation

Robinson Chairman

On motion of Mr McCormick the rules were suspended the bill considered engrossed and placed on Calendar for 3d reading

Mr Robinson presented the following report

Mr Speaker. The Judiciary Committee to which was referred H B No 42- A bill for An Act to provide compensation for the Clerks of the District Courts; beg leave to report that it has considered said bill and recommend that the same be amended by striking the word "general" out of section one and in lieu thereof insert the word "contingent" Also add to Section three as follows "For making transcripts on appeal when they exceed seventy five folios ten cents per folio for all in excess of seventy five folios
Amend Section five by adding thereto as follows: "The money so paid to the said Clerks or their Deputies shall be forthwith paid into the County Treasury to the credit of the contingent fund thereof except that in the County of Missoula it shall be credited to the current expense fund. And strike out the words "ten dollars" where they occur in said section and in lieu thereof insert "Seven dollars and fifty cents" and strike out the words "five dollars" and in lieu thereof insert "two dollars and fifty cents" And with said amendments said Committee recommend that said bill do pass.

Robinson Chairman

On motion of Mr Marion the Amendments reported were adopted.

The Bill was then referred to the Committee on Engrossment

The Committee on Ways and Means reported as follows:

Mr Speaker Your Committee on Ways and Means to which was refer C B No 27- An Act to provide for the collection of Revenue approved January 12th 1872- have had the same under consideration and leave to report the same back with No [illegible] the recomma

The Committee on Internal Improvements made the following Majority and Minority reports.

Mr Speaker Your Committee on Internal Improvements to which was referred H B No 31 - A bill for "An Act to encourage the construction of Rail Roads in Montana" has had the said bill under consideration and reports the said bill back to the House with the recommendation that it be considered in Committee of the Whole House at such time as the House shall direct. All of which is respectfully submitted.

W. F. Sanders.
Chairman
S. B. Cornick
E. G. Brooke
E. H. Combs

The minority report was as follows:

Mr Speaker.

A minority of your Committee upon Internal Improvements to whom was referred House Bill No. 31. A bill for an Act to encourage the construction of Rail Roads in the Territory of Montana" beg leave to report that I have duly considered said bill and recommend that it do not pass.

A B. Hamilton.

Mr Robinson moved to adopt the minority report

Mr McCormick moved to amend by adopting the majority report which motion was lost. and the Ayes and Noes being for. the minority report was adopted by the following Vote:

Ayes. - Beach. Boyer. Edwards. Forbis. Hamilton Harrington
Marion. McElroy. Noyes. Perkins. Robinson. Sweeney
Thorpe. Wilson. - 14.

Noes - Barbour. Boardman. Brooke. Combs. Cornick.
Fergus. McCormick. Mood. Sanders. Stull. Stuart
Mr Speaker - 12.

Mr Robinson moved to suspend the Rules - consider the bill engrossed and place it upon its final passage which motion was lost.

Mr. McCormick moved that the bill be made the special order in Committee of the Whole on Thursday next at 10:30 O'clock A. M.

Mr Hamilton moved to amend by making the bill the Special Order at 10:30 O'clock A.M. Feby 20th 1879. and the ayes and Noes being called for. the motion prevailed by the following Vote:

Ayes - Beach. Boyer. Edwards. Forbis. Hamilton. Harrington
Marion. McElroy. Noyes. Perkins. Robinson. Sweeney.
Thorpe. Wilson. 14.
Noes - Barbour. Bourdeau. Brook. Combs. Cornick Forgus
McCormick. Mood. Sanders. Steell. Stuart. Mr Speaker. 12.

The Committee on Indian Affairs reported as follows:

Mr Speaker. Your Committee upon Indian Affairs to whom was referred House bill No 60. A bill for An Act creating and organizing the Militia: Beg leave to report that they have examined said bill and recommend the following amendments Viz: After the word "several" in the 8th line Sec 3. insert the words "brigades and": and strike out the words "and companies" in the 9th line of said Section. and insert after the word "Captains" in said line the words "and lieutenants". and insert after the word "companies" in the 10th line of said Section the words "shall be elected by the members of their respective companies and commissioned by the Governor and such Captains or the lieutenant in command"

Strike out the word "thirty" in the 7th line of Section 6 and insert the word "twenty". Strike out the word "officers" in the 10th line and insert "Commissioned". and strike out the word "Officer" in the 12th line and insert the word "Commission". and strike out all after the word "Act" in the 13th line and before the word "and" in the 16th line of said Section. Add to the bill the following section 16. In case of any breach of the peace. riot. turmoil. resistance of process. or apprehension of imminent danger of the same. it shall be lawful for the Sheriff of any County. or the Mayor of any City. to call for aid from any brigade. regiment. battalion or company. and shall be the duty of the Commander of such brigade. regiment. battalion or company to whom such order is given to order out. in aid of the civil authorities. the military force or any part thereof under his command. Such Officer shall be subject to the Sheriff or public officer so requiring his service. And for refusing or neglecting to obey the orders of the Sheriff or public officer or his deriving or preventing his men performing such duty. every Military officer, so offending shall be liable to a fine to be paid into the military fund of the company of [illegible] than five hundred dollars and to imprisonment in the Cou [illegible] not more than thi tried by Court Martial and sentenced to be cashiered and incapacitated forever after for holding any military commission in this Territory. Any Non-Commissioned Officer or private, like offending shall be subject to a fine of not more than fifty dollars. to be recovered in action of debt and paid into the military fund of the company. deducting legal costs and charges. And with these Amendments Your Committee recommend that said bill do pass.

Hamilton. Chairman

Mr Sanders offered the following amendment to the bill: Strike out words charging expenses to Territory when they occur in the bill and insert. Provided that all the expenses of keeping up said Militia organization shall be borne by the Officers and Soldiers comprising the same.

On motion of Mr Hamilton the bill and amendment were re-committed to the Committee on "Military Affairs"

Mr Beach presented the following report

Mr Speaker: A majority of your Select Committee consisting of the Undersigned beg leave to report that they have had under consideration H. B. No 30. An Act in relation to fees of County Clerks. together with the Substitute therefor reported by the Judiciary Committee. and recommend that the Substitute be amended by striking out all that portion of Sec 1 of said Substitute after the words "to wit" where the occur in said section. and insert in lieu thereof the following.

In the County of Deer Lodge nine hundred dollars. in the county Lewis and Clarke nine hundred dollars in the County of Madison seven hundred dollars. in the County of Beaverhead five hundred dollars. in the County of Missoula five hundred dollars. in the County of Jefferson six hundred dollars. in the County of Gallatin five hundred dollars in the County of Meagher seven hundred dollars. in the County of Choteau five hundred dollars. and in the County of Custer four hundred dollars. And as so amended Your Committee recommend that said Substitute be adopted and do pass

E. Beach H. H. Mood
John F. Forbis A. B. Hamilton
Perkins J. T. Thorpe
Merriam E. Wilson

Mr Sanders moved to amend the Amendment of the Committee as follows

Strike out seven where it occurs after word Meagher and insert the word "six" in lieu thereof. which amendment was adopted. Mr Boyer moved to amend the amendment reported from the Committee by striking out the word "seven" after the word Madison and insert "nine" which motion was lost. Mr Sanders moved to strike out the "seven" after the word Madison and insert the word "eight" which motion prevailed

Mr Sanders moved to strike out the word "nine" after the words Lewis and Clarke and insert "eight" which motion was lost.

Mr McCormick offered the following amendment to the amendment reported by the Committee

1st Strike out after the word Missoula the word five and insert "four."

2d Strike out the word "six" after the word Jefferson and insert "four"

3d Strike out the word "five" after the word Gallatin and insert "six"

4th Strike out after the word Choteau the word "five" and insert "four."

A division of the question being called for the 1st 2d + 4th subdivisions of the amendment were adopted and the 3d subdivision was rejected.

The Bill as amended was ordered engrossed.

On motion of Mr Mood the House adjourned.

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk

Thirty Second Day

House of Representatives
Feby 12th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called — Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

Notices of the introduction of bills were given as follows
By Mr Harrington
A bill for "An Act relating to Placer and other Mining Claims"
By Mr Edwards
A bill concerning Licenses"

The following Message was received from the Council

Council Chamber Feby 11th 1879

Mr Speaker.
I am directed by the Council to inform the House that:
H. B. 35. An Act to amend an Act concerning crimes and punishments" has passed the Council with amendments and is transmitted.
Has introduced C. B. 33. An Act to provide for printing Marks and Brands"

Respectfully
Harry R. Comly
Chief Clerk.

On motion of Mr Hamilton the House concurred in Council amendments to H. B. 35. An Act to amend an Act concerning crimes and punishments and the bill was ordered enrolled

Mr Brooke introduced H. B. 61. An Act to tax dogs" which was read a 1st time and Mr Sanders moved to reject the bill which it was lost. the bill and referred to the

Mr Stull introduced H. B. 62. "An Act to consolidate the Office of Territorial Superintendent of Public Instruction with the Office of Territorial Auditor" which was read a 1st and 2d time and Mr Stull moved to suspend the Rules, consider the bill engrossed and place it upon its final passage which motion was lost, and on Motion of Mr McCormick the Bill was referred to the Committee on "Education and Labor".

Mr Brooke introduced H. B. 63. "An Act to amend Sec 48. of the Montana School Law" which was read a 1st and 2d time and referred to the Committee on "Education and Labor"

Mr Stull introduced H. B. No 64. "A Bill for an Act fixing the rate of Toll for grinding grain" which was read a 1st and 2d time and Mr Sanders moved to amend by striking out the words "Christian and" where they occur in Sec 2. of the Bill which motion prevailed, and the Bill was referred to the Committee on "Towns and Counties".

Mr Thorpe introduced H. B. 65. "An Act to amend Sec 3. of an Act authorizing the holding of County Teachers Institutes" which was read a 1st and 2d time and referred to the Committee on "Education and Labor".

Mr Thorpe introduced H. J. R. No 5. In relation to information concerning Montana which was read a 1st time and Mr Sweeney moved that it be rejected which motion was lost. The Resolution was read a 2d time and Mr Robinson moved to suspend the Rules consider the "Res" engrossed and read 3d time by Title and put it upon its final passage, which motion prevailed the "Res" was so read and passed by the following Vote:

Ayes- Barbour. Boardman. Beach. Boyer. Brooke. Combs. Cornick.
Edwards. Fergus. Forbis. Hamilton. Marion. McCormick.
McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stall.
Stuart. Thorpe Wilson. Mr Speaker. 24.
Noes - Harrington. Sweeney - 2.

Title was agreed to.

The following Message was received from the Governor.

Territory of Montana Executive Department
Helena February 12th 1879.

To the Legislative Assembly

The following is a copy of a Telegram received at this Office.

New York Feb 11th 1879

Gov B. F. Potts Helena

Make Territorial Bonds Eight per cent – ten years – payable New York. Will take them par
(Signed) The Corbin Banking Company

Respectfully
B. F. Potts.

By leave of the House Mr McElroy introduced H. B. 66. "An Act to exempt the wages of laborers from attachment" which was read a 1st and 2d time and referred to the Judiciary Committee

H. B. 33. An Act concerning the appropriation of moneys collected for license taxes was read a 3d time. and Mr Sanders moved that its further consideration be made the Special Order for 2 1/2 O'clock P. M. Feby 14th 1879. which motion prevailed.

H. B. 48. An Act to provide for keeping the Records of District Courts at the County Seats where such Courts are held was read a 3d time and passed by the following Vote:

Ayes – Barbour. Beach. Boyer. Brooke. Combs. Hamilton Harrington. Marion. McCormick. McElroy. Mood Noyes. Perkins. Robinson. Sweeney. Thorpe. Wilson Mr Speaker – 18.

Noes – Boardman. Cornick. Edwards. Fergus. Forbis Sanders Stall. Stuart – 8.

Title was agreed to.

On motion of Mr Forbis the House took a recess until 2 O'clock P. M.

2 O'clock P. M.

House resumed Mr Speaker in the Chair.

Roll called – Quorum present

Mr Speaker Your Committee on Engrossment to whom was referred Substitute for H B No 20. with amendments have examined the same and find it correctly engrossed as amended.

Harrington Chairman

Also as follows:

Mr Speaker Your Committee on Engrossment to whom was referred H B No 43 — "A Bill for An Act to provide for the payment of certain expenses" with amendments and H B. No 47. An Act to establish and regulate the fees of Witnesses. Jurors and certain Officers of Montana Territory. have examined the same and find them correctly engrossed.

Harrington

C B. 27. An Act to repeal Sec 6. of An Act to provide for the collection of Revenue approved Jan 12th 1872. was read a 3d time and passed by the following Vote.

Ayes — Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick
Edwards. Fergus. Hamilton. Harrington. Marion. McCormick
McElroy. Mood. Noyes. Perkins. Robinson. Sanders.
Stall. Stuart. Sweeney. Thorpe. Wilson Mr Speaker — 25

Noes — None — Absent Mr Forbis.

Title was agreed to.

By leave of the House Mr Stall offered the following amendment to House bill 42. "An Act to provide compensation for the Clerks of the District Courts"

Amend by inserting after the word "service" in line 2. printed copy of the bill. in civil or criminal causes and in special proceedings in the nature of an action. which amendment was lost and the Bill was re-committed to the Engrossment Committee.

Mr Noyes moved to reconsider the Vote by which H. B. 31. was made Special Order for Feby 20th 1879.

Which motion Mr Harrington moved to lay upon the Table and the ayes and Noes being called for the motion to lay upon the Table was lost by the following Vote:

Ayes — Boyer Edwards. Hamilton Harrington Marion. McElroy
Perkins. Robinson Sweeney Thorpe Wilson — 11.

Noes — Barbour. Beach. Boardman. Brooke Combs. Cornick.
Fergus Forbis. McCormick Mood. Noyes. Sanders.
Stuart. Mr S — 15

The ayes and noes were then called for on the motion to reconsider the vote by which H B. 31. was made Special Order for Feb 20th /79. when the motion prevailed by the following vote:

Ayes — Barbour. Beach. Boardman. Brooke. Combs. Cornick
Fergus. Forbis. McCormick. Mood. Noyes. Sanders.
Stull. Stuart. Mr Speaker — 15.

Noes — Boyer. Edwards. Hamilton. Harrington. Marion.
McElroy. Perkins. Robinson. Sweeney. Thorpe. Wilson — 11

Mr Sanders moved to recommit the bill to the Committee on Internal Improvements

Mr Robinson moved to postpone the consideration of the bill until 10½ O'clock A.M. Feby 13th 1879. which motion prevailed

Mr Robinson moved to suspend the Rules and proceed to the consideration of H B. 2d. An Act to provide for the taxation of the proceeds of mines. and the ayes and noes being called for the motion was lost by the following vote:

Ayes — Barbour. Boardman. Boyer. Cornick. Forbis. Hamilton
Marion. McCormick. McElroy. Noyes. Robinson Sweeney
Thorpe. Mr Speaker.

Noes — Beach. Brooke. Combs. Edwards. Fergus. Harrington
Mood. Perkins. Sanders. Stull. Stuart Wilson

On motion the House adjourned

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk.

Thirty Second Day

House of Representatives
Feby 13th 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present

Journal of yesterday read and approved

The Committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred Substitute for H. B. No 30. "An Act in relation to the fees of County Clerks. have examined the same and find it correctly engrossed.
Harrington

The Committee on Printing reported as follows

Mr Speaker. Your Committee on Printing to whom was referred H. B. No 58 - A bill for an Act in relation to corporations and H. B. No 51 - A bill for An Act in relation to Public Administrator also H. B No 56 - "An Act amending the Town Site law and H. B. No 57. A bill for An Act to amend an Act entitled An Act concerning Crimes and Punishments" have examined the same and find them correctly printed.
Harrington.

The bills reported correctly printed and accompanying the report were referred as follows
H. B.s 58. 57. & 51 to the Judiciary Committee and H. B. 56. to the Committee on "Towns and Counties".

The Committee on Enrollment reported as follows:

Mr Speaker: Your Joint Committee on Enrollment beg leave to report that it has examined and compared H. B. No 4. "An Act to provide for the redemption of the funded indebtedness of Gallatin Co.
~~Also H. B. No 28 - An Act for the relief of St Johns Hospital"~~
also H. B. No 37 - An Act to provide compensation for the Fire Warden for the town of Helena - ~~Also H. B. No 3. An Act in relation to Sur~~
And find each of said A

Mr Speaker announced he was about to sign H.B 4. "An Act to provide for the redemption of the Funded indebtedness of Gallatin County" also

H.B. 37 "An Act to provide compensation for the Fire Wardens of the Town of Helena" also

H.B 28. "An Act for the relief of St Johns Hospital" also

H.B 3 - "An Act in relation to Swine"

The Committee on Federal Relations reported as follows:

Mr Speaker. Your Committee on Federal Relations to which was referred Council Joint Memorial No 1 have had the same under consideration and would recommend the following Amendments Strike out the word "Summer" in the seventh line.
Insert after the word "Yellowstone" in the fourteenth line the words "And it is by this route that all the hostile Indians in Southern Montana or Idaho will in the future endeavor to make their way to the valley of the Yellowstone and from thence to British America. it being the only route north of the South Pass that is now open to their passage" Insert after the word season in 22 line the words "In which case they will undoubtedly try to make their way to the north and east by way of Henry's Lake and Clarks Fork of the Yellowstone"

Insert after the word "are" in the twenty fourth line the word "largely"

Strike out the word "Summer" in the thirty first line and insert in lieu thereof the word "Cavalry" Strike out the word "Southern" in the thirty fourth line and insert the word "eastern" in lieu thereof.

And as thus amended would recommend that the Memorial do pass.

Stuart Chairman.

On motion of Mr Stuart the Amendments recommend by the Committee be adopted. Amendments were ordered engrossed

The Committee on Grazing and Stock-Growing reported as follows-

Mr Speaker. Your Committee on Grazing and Stock-Growing to whom was referred H.B. No 13 - "An Act concerning diseased
s" have had the same under advisement and respectful

Also as follows:

Mr Speaker: Your Committee on Grazing and Stock-growing to whom was referred H. B. No 6. "To require Butchers to record brands and marks. have had the same under consideration and herewith submit Substitute and recommend that the same do pass

Brooke. Chairman.

Mr Sanders moved to suspend the Rules and that H. B. 13. reported from the Committee on Grazing and Stock-growing be considered engrossed and filed for 3d reading. which motion prevailed and the bill was so filed.

On motion of Mr Harrington the Substitute reported by the Committee on "Grazing and Stock growing" for H. B. No 6. was adopted and the Substitute was ordered engrossed for 3d reading.

The Committee on Ways and Means reported as follows:

Mr Speaker. Your Committee on Ways and Means to which was referred H. B. No 2. An Act to provide for the bonding of the floating debt and for the refunding of the bonded debt of Missoula County and for other purposes. have had the same under consideration and beg leave to report the same back with accompanying Substitute and recommend that the Substitute be referred to the Committee on Printing

McCormick Chairman

Report was adopted and the Substitute referred accordingly

The hour of 10½ O'clock AM having arrived the House proceeded to the consideration of H. B 31. An Act to encourage the construction of R.R's in Montana" being the Special Order for that hour.

Mr Fergus presented a petition from citizens of Lewis and Clarke Co. in relation to exempting R. R's from taxation.

Mr McCormick moved to refer the Bill to a Select Committee of five. Mr Forbis moved to make the bill the Special Order in Committee of the Whole at 10½ O'clock A. M. to morrow. And the Ayes and Noes being called for the motion prevailed by the following Vote

Ayes — Barbour. Beach. Bourdeau. Coombs. Cornick. Fergus. Forbis. McCormick. Mood. Hayes. Sanders. Steele. Stuart. Mr Speaker

Noes — Boyer. Brooke. Edwards. Hamilton. Harrington. Marion. McElroy. Perkins. Robinson. Sweeney. Thorpe. Wilson

Mr Boyer presented a Petition from Citizens of Madison County opposing subsidy to R Rō.

The Judiciary Committee made the following majority and minority reports.

Mr Speaker: Your Committee on the Judiciary to which was referred H. B. No 50 - An Act to define the qualifications of Members of the Legislative Assembly have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

Robinson Chairman

The minority report was as follows:

Mr Speaker. The undersigned a minority of the Judiciary Committee to which Committee H B No 50 - A bill for An Act to define the qualification of Members of the Legislative Assembly being of the opinion that the purpose of the bill is to prevent the member of the two Houses from being the Representatives of personal and private interests and to deprive them in the respects indicated of a temptation to betray the interests confided to them as law makers is of the opinion that the bill should pass as amended. All of which is respectfully Submitted

W. F. Sanders.

Mr McCormick moved that H B. 50 accompanying the report be indefinitely postponed which motion was lost and the bill was referred to the Committee on Engrossment

The Judiciary Committee reported as follows.

Mr Speaker: The Judiciary Committee to which was referred H. B. 14 - A bill for An Act to prescribe a day of rest beg leave to report that it has considered said Bill and recommend that the Substitute herewith accompanying do pass

Robinson Chairman

On motion of Mr Brooks the Substitute reported was adopted Mr Stull moved to amend the Substitute by striking out Sec 3 - which amendment was lost. Mr Forbis moved to amend by striking out Sec 5 which amendment was lost

Substitute engrossed and place it on the Calendar for 3rd reading which motion prevailed and the bill was so filed.

The Judiciary made the following majority and minority reports.

Mr Speaker. A majority of your Committee on the Judiciary to which was referred H. B. No 53. An Act in relation to the fees of Sheriff" have had the same under consideration and beg leave to report the same back to the House with the following amendment to wit: Strike out the words "twenty five" in lines four and five of the bill. and insert in lieu thereof the words "thirty five" and as thus amended a majority of your committee recommend that the bill do pass.

Sanders
McCormick
Boardman.

The minority report was as follows:

Mr Speaker: A minority of your Committee on the Judiciary to which was referred H. B. No 53. An Act in relation to the fees of Sheriff" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

Robinson
Forbis.

Mr Hamilton moved to adopt the minority report and the yeas and nays being called for the motion was lost by the following vote:

Ayes - Barbour. Brooke. Cornick Forbis. Hamilton. Marion. McElroy
Moore. Noyes. Robinson Wilson. Mr Speaker - 12.
Noes - Beach. Boardman. Boyer. Combs. Edwards Fergus.
Harrington. McCormick Perkins. Sanders. Stull. Stuart
Sweeney. Thorpe - 14.

Mr McCormick moved to adopt the report and amendments of the majority upon which motion the Ayes and Noes were called for and the motion prevailed by the following vote:

Ayes - Beach. Boardman. Brooke. Combs. Edwards. Fergus
Harrington. McCormick. Moore. Perkins. Sanders. Stull
Stuart. Sweeney. Thorpe. Wilson - 16.
Noes - Barbour. Boyer. Cornick. Forbis. Hamilton. Marion.
McElroy. Noyes. [illegible] Mr [illegible] - 10.

Mr Speaker announced that he was about to sign C.B 19. An Act to provide for the support of the Philipsburg Fire Department.

The Judiciary Committee reported as follows:

Mr Speaker: The Judiciary Committee to which was referred H.B No 45 - A bill for An Act authorizing Assessors to appoint a Deputy. beg leave to report that it has considered said bill and recommend the adoption of the Substitute herewith reported and which said Committee recommend do pass.
Robinson Chairman

On motion of Mr Boardman the Substitute reported was adopted and on motion of Mr McCormick the Rules were suspended the Substitute considered engrossed and filed for 3rd reading.

Mr Sanders reported as follows:

Mr Speaker: Your Select Committee to which was referred He B No 15 - A bill for an Act to re-apportion the Members of the Legislative Assembly has had the same under consideration and a majority of the Committee report as follows:
In a Territory so large as Montana the reduction of the members of the Legislative Assembly must necessarily prevent such a distribution of representatives as will be just to all the population of the Territory and yet permit each county with interests peculiar to itself to be represented in each house of the Legislative Assembly. By the act creating the Territory it was provided that the distribution of Members among the several Legislative Districts should be based on the number of qualified voters as near as it was practicable. By an Act of Congress approved June 19 - 1878 - the number of Representatives in the Council was reduced one and in the House of Representatives two and the ratio of their distribution changed from that of qualified voters to that of population. In the absence of a census this ratio is difficult of ascertainment. The conditions of the different counties are so varied some sparsely settled and others [illegible] considerable towns some occupied by farm[illegible] [illegible]ers but recently settled [illegible] [illegible]ation that we

correct distribution of the Members. A majority of Your Committee has deemed it best that each County should have one representative in each House believing that small and single districts best secure independence of action, and direct responsibility of the representative to his constituents. The reduction of the number of Members, the new settlements in the Eastern portion of the Territory, with the influx of immigration to several settlements within the Territory has operated to lessen the number of Representatives accorded heretofore to several of the Counties while those Counties have more than maintained their former population. In the distribution of Members the majority of Your Committee has been guided by the number of votes cast at the late election for Delegate in Congress as that vote is modified by the return of the County Superintendents of Schools of Children of School age, thereby qualifying the distribution according to votes by what can be learned from our vital statistics of the distribution of families in the Territory. Your Committee has not hesitated to consider the situation of the County of Custer as exceptional. It is a new County organized in 1877 and but recently settled. It is remote from the other settlements of the Territory it being over 300 miles to the County Seat of any other County.

So recent was its organization and such were the doubts as to the validity of that organization that it is not strange that officers within it familiar with Our laws were somewhat scarce while copies of the Statutes of Montana are not believed to be plenty there to this day.

Its vote returned to the Capital was only 352, while returns of 214 more votes were rejected by the Canvassers at the County Seat for informality in the returns and we have no statistics as to the number of Children of School age. Considering the distance of many of its inhabitants from the places where the votes were polled, it is but fair to presume that the votes polled do not fully represent the measure of its population as compared with the votes polled in other Counties in the Territory. In pursuing the enquiry as to the precision with which the voters represent families no basis was accessible to Your Committee but the returns of Children of school age and it is believed that the modification which those returns introduce is approximately fair and according to that basis of distribution a majority of Your Committee has prepared the accompanying Substitute for H. B. No 15 and recommend that it be adopted and that as so amended the bill do pass. All of which is respectfully submitted

W. F. Sanders.
A. B. Hamilton
W. L. Perkins.
C. L. Brooke.

Mr Robinson presented the following minority report

Mr Speaker. The undersigned a minority of the Select Committee to which was referred H B No 15. A bill for an Act to reapportion the members of the Council and House of Representatives beg leave to submit a Substitute for said bill herewith accompanying which they recommend do pass.

Robinson
Boyer
Barbour.

On motion of Mr Robinson the further consideration of the bill and Substitute reported was made the Special Order in Committee of the Whole at half past 10. O'clock A. M. Feby 15th 1879.

Notices of the introduction of Bills were given as follows:

By Mr Sanders of
A bill for an Act concerning County Commissioners

By Mr Robinson of
A bill to establish a Text Book Board.

By Mr Combs of
"A bill concerning fences".

The following Message was received from the Council

Council Chamber
Feby 12th 1879

Mr Speaker.

I am directed by the Council to inform the House that

The following notices of the introduction of bills were given.

By Sanders. "An Act in relation to exemptions"

By Holton.

An Act to amend an Act to provide for the support care and maintenance of the County sick and poor

That H B 12 - "An Act prescribing a bounty for the destruction of certain animals" has passed the Council with amendments

That H B 27 - "An Act to repeal an Act prohibiting sale of liquors to soldiers" has passed the Council.

That H B 25 - "An Act to compensate Attorneys at law for public services" has passed the Council. That H B 28 - "An Act to correct errors in references to Sections of the Code of Civil procedure" has passed

c. The last 4 bills ar

H B. 27 transmitted from the Council was ordered enrolled

Mr Sanders moved that the House do not concur in Council amendments to H B. 12 and that the Council be requested to recede therefrom

C B 25 "An Act to compensate Attorneys at law for public services was read a 1st time and on motion of Mr Sanders the bill was rejected

C B. 28. An Act to correct errors in references to Sections of the Code of Civil procedure was read a 1st and 2d time and referred to the Judiciary Committee

The following Message was received from the Council

Council Chamber
Feby 12th 1879

Mr Speaker

I am instructed by the Council to inform the House that

Sanders gave notice of a bill entitled "An Act in relation to printing" Conrad introduced a bill entitled C B. 25 "An Act to enable the County of Choteau to erect a Brick Court House and build roads in said County" The Council refuse to concur in House amendments to C B. 1 "An Act concerning limitations" and request the House to recede therefrom. The Council concur in House amendment to title of C B 4 "An Act to provide for the funding the bonds of Jefferson County. The Council concur in House Amendments to C B. 14. An Act to authorize the Governor to contract for the keeping and maintaining the Territorial Convicts in the U.S. Penitentiary at Deer Lodge" except the amendment to the proviso of Sec 4. in which the Council refuses to concur and asks the House to recede therefrom. H B. 34. "An Act to exempt Hay from taxation was read 3d time and lost C B 29. "An act to provide for the codification of the general laws of Montana Territory" has passed the Council

Respectfully
Henry R. Comly
Chief Clerk.

On motion of Mr McCormick the House receded from its amendment to C B 14. in which the Council refuses to concur.

On Motion of Mr Sanders the House refused to recede from its Amendment to C B. 1. "An Act concerning limitations"

Mr Sanders moved that a Committee of two be appointed and that the Council be requested to appoint a like Committee to confer with the Committee upon the part of the House in regard to said amendment which motion prevailed and Mr Speaker appointed as such conference Committee upon the part of the House Messrs Sanders and Hamilton

C. B. 29 – An Act to provide for the codification of the General laws of Montana Territory was read a 1st and 2d time and referred to the Judiciary Committee

On motion of Mr Hamilton the House took a recess until 2 O'clock P.M.

2 O'clock P.M.

House resumed Mr Speaker in the Chair.

Roll called – Quorum present

The following Message was received from the Council:

Council Chamber
Feby 13th 1879.

Mr Speaker:

I am instructed by the Council to inform the House that:

The Council have had under consideration C. B. No 4. An Act to provide for the funding the bonds of Jefferson Co M. T. and concurs in House Amendments to Title and in House amendments to the body of the bill numbered 1 and 4. and to that portion of 3d amendment striking out the words "one hundred" Council refuses to concur in the 2d amendment and that portion of the 3d amendment striking out the words "five hundred and" and requests the House to recede therefrom The bill is transmitted.

Respectfully
Henry R. Comly
Chief Clerk

Mr Hamilton moved that the House recede from 2d amendment of the House to C B 4. in which Council has refused to concur which motion prevailed.

Mr Sanders moved that the House insist on 3d amendment of the House to C. B 4: in which the Council refuses to concur and request the appointment of a Committee of conference which motion prevailed and Mr Speaker appointed as such Committee upon the part of the House Messrs Brooke and Wilson.

Mr Forbis in the Chair.

Mr McCormick introduced H. B. 67. An Act to promote the fishing interests of M. T. which was read a 1st and 2d time and Mr Sanders moved to amend by inserting "So soon as the consent of the Territory of Washington can be obtained to the expenditure herein contemplated" after the word expended in line 5 of Sec 1. The amendment was adopted and the bill referred to the Engrossment Committee.

Mr Robinson introduced H. B. 68. An Act regulating the fees and dutes of County Commissioners which was read a 1st and 2d time and Mr Sanders moved to amend by striking out word "ten" and inserting "six": which amendment Mr Brooke moved to amend by inserting eight instead of "six": and the ayes and noes being called for the amendment to the amendment prevailed by the following Vote:

Ayes - Barbour. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Forbis. Hamilton. Harrington. McElroy. Mood. Noyes. Perkins. Robinson. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker - 20.
Noes - Beach. Fergus. Marion. McCormick. Sanders. Stull - 6.

The ayes and noes were then called for on the question of the adoption of the amendment as amended when the same was adopted as follows Those voting ayes were
Barbour. Beach. Boardman Boyer. Brooke Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. McElroy. Mood. Noyes. Robinson. Stuart Sweeney. Thorpe. Wilson Mr Speaker
Those voting no were
Harrington. Marion. McCormick. Perkins. Sanders Stull - 6.

On motion of Mr Stull [illegible] amendment was ad

June and September sessions and ten days for the December Session.

Mr Beach moved to amend the bill as follows. Strike out word "four" in Sec 2. and insert "two" which amendment was adopted. and the bill was ordered engrossed

Mr Robinson introduced H. B. 69. "An Act prescribing the duties of certain officers and prescribing a penalty for non-performance of their duties" which was read a 1st and 2d time and referred to the Judiciary Committee

H. B. 70. An Act to amend Chapter 61. of the laws of M. T. introduced by Mr Robinson. was read a 1st and 2d time and referred to the Judiciary Committee.

Mr Sanders introduced H. B. 71. "An Act to amend the Code of Civil procedure which was read a 1st & 2d time and referred to the Judiciary Committee.

Mr Harrington introduced H. B. 72. "An Act in relation to Placer and other Mines. which was read a 1st and 2d time and Mr Robinson moved to amend as follows. Add to Section 1 - That in locating such Claim the boundaries thereof shall be plainly and distinctly marked on the ground so that they can be readily traced. amendment was adopted.

Mr Noyes moved to amend as follows: "Where one or more claims are connected. work done on one claim will represent them all".

Mr Sanders moved to amend the amendment by inserting after word "are" the words "in the same mining district" which amendment to the amendment was adopted.

On motion of Mr Harrington the Bill was indefinitely postponed

Mr Edwards introduced H. J. M. 11 - "In relation to restoring portion of Crow Reservation to the Public Domain" which was read a 1st and 2d time and on motion of Mr Harrington the rules were suspended: the Memorial considered engrossed placed upon its final passage and Adop

Ayes- Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards
Fergus. Forbis. Hamilton. Harrington. Marion. McElroy
Perkins. Sanders. Stull. Stuart. Thorpe. Mr Speaker- 19.

Nays. None.

Absent Boardman. McCormick. Moore. Noyes. Robinson Swiney
Wilson.

Title was agreed to.

Mr Hamilton moved that the House reconsider the vote by which it receded from its amendment to C.B. 14. which motion prevailed.

On motion of Mr Beach the House adjourned.

Samuel Word
Speaker House of Representatives

Jas. E Kanouse
Chief Clerk

Thirty Third Day

House of Representatives
Feby 14th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called – Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr McCormick H B. 20. "An Act to provide for the taxation of the proceeds of mines" was taken up read a 3d time and Mr Brooke moved a suspension of the Rules upon which the Ayes and noes were called for and the motion lost by the following vote:

Ayes – Beach. Boyer. Brooke. Combs. Fergus. Hamilton
Harrington Mood. Sanders. Stall. Stuart Wilson – 12
Noes – Barbour. Boardman. Cornick. Edwards. Forbis
Marion McCormick. McElroy. Noyes. Perkins
Robinson. Surney. Thorpe. Mr Speaker – 14.

Mr McCormick called for the previous question which call being sustained the bill was placed upon its final passage and lost by the following vote:

Ayes – Barbour. Boardman. Combs. Cornick. Forbis. Marion
McElroy. Noyes. Robinson. Stuart. Surney. Mr Speaker
Noes – Beach. Boyer. Brooke. Edwards. Fergus. Hamilton.
Harrington. McCormick. Mood. Perkins. Sanders.
Stall. Thorpe. Wilson – 14.

Mr Sanders gave notice that he would on to-morrow move a reconsideration of the vote by which the bill was lost

The following Message was received from the Governor

Territory of Montana
Executive Department
Helena February 14th 1879

Hon Samuel Word.

[illegible] Representatives

Sir.

I have the honor to inform the House of Representatives that I have approved the following Bills. to wit:

H. B. No 1.- "Entitled An Act in relation to Notaries Public":

H B. No. 3. "Entitled An Act in relation to Swine"

Respectfully
B. F. Potts.

The hour of half past 10. O'clock A. M. having arrived the House went into Committee of the Whole. Mr McCormick in the Chair and proceeded to consider H. B. 31 - "An Act to encourage the construction of R. R's in Montana. being the special order for that hour.

House resumed.

Mr Speaker in the Chair.

On motion of Mr Thorpe the House took a Recess until 2 O'clock

2 O'clock P. M

House resumed. Mr Speaker in the Chair.

Roll called - Quorum present

The following Message was received from the Governor

Territory of Montana Executive Department
Helena February 14th 1879

Hon Samuel Word
Speaker of the House of Representatives
Sir,

I have received H B No 28. Entitled "An Act for the relief of St Johns Hospital". This Bill provides for compensation for the maintenance &c of Smith and Cospie in St John's Hospital. I am not inform as to the merits of this Bill and respectfully request that a copy of the report of the Committee that reported the Bill with the evidence be transmitted to this Office

Very Respectfully
B. F. Potts

On motion of Mr Sanders the Clerk was directed to furnish to the Governor a Copy of the report of the Committee on Territorial Affairs on H B. 28.

By leave of the House the following Bills were introduced

By Mr Forbis H B. 75. A bill for An Act in relation to Insane Convicts

By Mr Harrington H B. 74. A Bill for An Act to enable Meagher Co to remove the County Seat

By Mr Sanders H B. 73. A Bill for An Act to pay certain Indebtedness.

The Committee on Engrossment reported as follows:

Mr Speaker. Your Committee on Engrossment to whom was referred Substitute for H B. No 6. An Act to compel Butchers to record brands. and H B. No 42. A bill for An Act to provide compensation for the Clerks of the District Courts. Also H B. No 68. A bill for An Act regulating the fees and duties of County Commissioners and H B No 50. An Act to define the qualifications of Members of the Legislative Assembly and also H B No. 67. A bill for An Act to promote the fishing interests of Montana Territory. have examined the same and find them correctly engrossed.

Harrington

Mr Sweeney reported as follows

Mr Speaker. Your Committee on Territorial Affairs to whom was referred H B. No 40. beg leave to report the same back to the House recommending the following Amendment

Section 3. That the Superintendent of Public Instruction shall receive Seven hundred dollars salary per Annum to be paid quarterly out of the Territorial Treasury. by warrant drawn on the General fund. Also actual traveling expenses necessarily incurred in Official business when visiting [illegible] unties to be audited [illegible] statement shall not exceed Three Hundred Dollars.

Section 4. All Acts and parts of Acts relating to pay or Salary of Territorial Treasurer. Auditor. and Superintendent of Public Instruction are hereby repealed. And Your Committee recommend that upon this bill being so amended that it do pass.

Sweeney
Chairman

The bill was referred to the Committee on Education and Labor.

The following Message was received from the Council.

Council Chamber. Feby 14th 1879.

Mr Speaker.

I am instructed by the Council to inform the House that:

The folling bills were introduced

By Sanders.

C. B. 37. A bill in relation to printing".

By Conrad.

C B. 38. "An Act to prohibit the stacking of hay in Towns"

The Governor communicated his approval of C. B. 8. C B. 17. C B. 19. and C B. 3.

The Council recedes from its amendments to H. B. 12. — "An Act prescribing a bounty for the destruction of certain Animals"

The Council recedes from its action refusing to concur. and has concurred in House Amendment to C B 14. "An Act to authorize the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge"

The Council has appointed Messrs Conrad and Holter a Committee of conference on C. B 1 — "An Act concerning limitations". And the bill has been handed to the committee. Also. Messrs Sanders and Hays on C. B. 4. An Act to provide for the funding the bonds of Jefferson County M. T — The bill has been handed to the committee. The Council refuses to concur in House amendments to C B. 5. An Act to incorporate the town of Butte" and

Of Confer [illegible]

On motion of Mr Robinson the House complied with request of Council for a Committee of conference on C.B.5.

Mr Speaker appointing as such Committee on the part of the House Messrs Forbis and Cornick.
And the Bill was referred to said Committee

H.B.12. "An Act prescribing a Bounty for the destruction of certain animals" was ordered enrolled.

H.B.14. "A bill prescribing a day of rest" was read a 3rd time and Mr Brooke moved a call of the House. Roll called. absent Mr Barbour.
Sergeant-at-Arms was directed to bring in Absentee.
On motion of Mr Brooke further proceedings under the call of the House were dispensed with. And the Ayes and Noes being called H.B.14. was passed by the following vote.

Ayes. Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Forbis. Hamilton. Marion. McCormick. McElroy. Mood. Noyes. Perkins Robinson Sanders. Sweeny. Thorpe. Wilson. Mr Speaker - 22.

Noes - Fergus. Harrington. Stall. Stuart - 4.

Title was amended to read. "A bill for An Act to prescribe a day of rest."

On motion of Mr Sanders the Rules were suspended and H.B.33 - "An Act concerning the appropriation of moneys collected for license taxes" was recommitted to the Committee on "Ways and Means".

The Enrollment Committee reported as follows:

Mr Speaker. Your Joint Committee on Enrollment beg leave to report that:

H.B. No 1. An Act in relation to Notaries Public
H.B. No 4. An Act to provide for the refunding of the bonded indebtedness of Gallatin County.
H.B. No 28. "An Act for the relief of St Johns Hospital"
H.B. 36. "An Act to regulate the sale of intoxicating Liquors."

the Fire Warden

C. B. No 3 - "An Act to provide compensation for certain printing".
C. B. No 12 - "An Act to enlarge Homesteads"
C. B. No 17 - An Act to amend Secs 535 & 555 of an act relating to Probate Courts, Estates of Deceased persons approved Feby 9th 1877.
also C. B. No 19 - "An Act to provide for the support and maintenance of the Philipsburg Fire Department" — were delivered to the Governor at 4:10 P. M Feby 13th 1879.

Forbis.

On motion of Mr McCormick the House went into Committee of the Whole on H. B. 31. An Act to encourage the construction of R. R.s in Montana. Mr McCormick in the Chair.

House resumed Mr Speaker in the Chair.

H. B. 30. An Act in relation to the fees of County Clerk being before the House for 3d reading. Mr Sanders moved to suspend the Rules and recommit the Bill to a Committee of the Whole House which motion prevailed and the Bill was so recommitted.

H. B. 45 - An Act authorizing Assessors to appoint a Deputy was read a 3d time and passed by the following Vote:

Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs.
Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington.
Marion. McCormick. McElroy. Mood. Noyes. Perkins.
Robinson. Stull. Stuart. Sweeney. Thorpe. Wilson.
Mr Speaker. - 25. —
Noes - Mr Sanders.

Title was agreed to.

H. B. 43. "A bill for An Act to provide for the payment of certain expenses" was read a 3d time and Mr Brooke moved to suspend the Rules and re-commit the bill which motion was lost and the bill was passed as follows.
Those voting aye were.

Barbour. Beach. Boardman. Boyer.
Combs. Cornick. Edwards. Fergus. Forbis. Hamilton.
McCormick. McElroy. Mood. Noyes. Perkins. Robinson.
Sanders. Stull. Stuart. Sweeney. Wilson. Mr Speaker. 22.
Those voting no were.

Brooke. Harrington. Marion. Thorpe.

Title was agreed to.

House Bill 47 - An Act to establish and regulate the Fees of Witnesses Jurors and certain Officers of Montana Territory was read a 3d time and lost by the following Vote:

Ayes - Stull.

Noes - Barbour. Beach. Boardman. Boyer. Brooke. Combs
Cornick. Edwards. Fergus. Forbis. Hamilton. Harring
Marion. McCormick. McElroy. Moore. Noyes. Perkins
Robinson. Sanders. Stuart Sweeney. Thorp Wilson
Mr Speaker 25.

On motion of Mr Sanders the House went into Committee of the Whole on H. B. 30 An Act in relation to the fees of County Clerk. Mr Stuart in the Chair.

House resumed. Mr Speaker in the Chair.

On motion of Mr Moore the House adjourned.

Samuel Word
Speaker House Representatives

Jas E Kanouse
Chief Clerk

Thirty Fourth Day

House of Representatives
Feby 15th 1879

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called - Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. 13 "An Act to repeal An Act entitled An Act in relation to diseased animals" was read a 3d time and passed by the following vote:

Ayes. Barbour. Beach. Boardman. Boyer. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Marion. McCormick Mood. Noyes. Robinson. Steell. Stuart. Mr Speaker - 18.
Noes - Brooke. Harrington. Perkins. Sanders. Sweeney. Thorpe Wilson - 7.

Absent Mr McElroy.

Title was agreed to.

H. B. 42. "An Act to provide compensation for the Clerks of the District Courts" was read a 3d time and passed by the following vote.

Ayes - Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick Edwards. Fergus. Forbis. Hamilton. Harrington. Marion McCormick. Mood. Noyes. Perkins. Robinson. Sanders. Steell. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker 25
Noes - None

Absent Mr McElroy

Title was agreed to.

C. J. M. 1 - Asking establishment of a Cavalry Post at Henrys Lake with House amendments thereto was read a 3d time and passed as amended:

those voting aye were Barbour. Beach. Boardman. Boyer. Brooke. Combs. Cornick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. [illegible] [illegible] Perkins. Robinson. Sanders. [illegible]

The Committee on printing reported as follows

Mr Speaker Your Committee on Printing to whom was referred Substitute for H. B. No 2 have examined the same and it correctly printed except the word "and" in Section 17. line 3 read "or" and the figures 13. in Sec 19 in line 8.

Harrington

On motion of Mr Robinson the consideration of H B 15 "An Act to reapportion the Members of the Legislative Assembly" the Special Order for half past 10 O'clock was deferred until half past 2 O'clock P. M Feby 17th 1879

On Motion of Mr Sanders the House went into Committee of the Whole on H. B 10. An Act to protect fish and fur bearing animals in Montana.

Mr Stuart in the Chair.

House resumed Mr Speaker in the Chair.

Mr Barbour presented a petition from citizens of Glendale asking exemption from taxation for U. N. R.R.

The committee on Engrossment reported as follows:

Mr Speaker: Your Committee on Engrossment to whom was referred H B No 53. An Act in relation to the fees of Sheriffs have examined the same and find the same correctly engrossed

Harrington.

H. B. 2. reported correctly printed was referred to the Comt of "Ways and Means".

The Committee on "Education and Labor" reported as follows

Mr Speaker: Your Committee on Education and Labor to which was referred H. B. No 63. An Act to amend Sec 48. of the Montana School law and also H. B. No 65. A bill for An Act to amend Sec 3. of an Act to authorize the holding of County Teachers Institutes would report that they have ha under consideration and recommend that

The bill reported was ordered engrossed for a 3d reading.

Mr Stuart Chairman of the Committee of the Whole on H. B. 30 reported as follows.

Mr Speaker. Your committee of the Whole House having had under consideration the Substitute for House Bill No 30 A bill for An Act in relation to the fees of County Clerks herewith report the same back with the following amendments which were adopted.

Amendments to Substitute for H. B. No 30.

In the County of Madison Eight hundred Dollars — In the County of Jefferson Five hundred Dollars In the County of Meagher Five hundred Dollars. In the County of Choteau Four hundred Dollars.

Stuart Chairman

On motion of Mr Sanders the amendments reported were adopted and the bill was ordered engrossed as amended.

Mr Stuart reported as follows.

Mr Speaker. Your Committee of the Whole House having had under consideration the Substitute for House Bill No 10. Entitled An Act to protect Game beg leave to report the same back to the House with amendments which were adopted and would recommend ~~that~~ as thus amended the bill do not pass.

Stuart Chairman.

Mr Robinson moved to amend the bill as follows. Strike out all after the enacting clause and insert

Section 1. That section 4 of said act be and the same is hereby amended to read as follows:

Sec 2. That any person or persons who shall wilfully shoot or otherwise kill or cause to be killed any grouse, prairie chicken, pheasant, fool hen partridge or quail between the first day of March and the first day of September of each year, or shall hunt or chase with dogs any Elk, deer, Antelope or Mountain sheep shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred and fifty dollars for each off[illegible] committed. Sec [illegible] of same act intitled "an act to protect fur bearing animals and fish in the Territory of Montana" is hereby repealed.

Mr Noyes moved that the amendment be indefinitely postponed which motion prevailed and the amendment together with the bill were declared to be so postponed.

The Committee on Internal Improvements made the following majority and minority reports.

Mr. Speaker: Your Committee on Internal Improvements to which was referred H. B. No 19 A bill for "an act to encourage Steam boat Navigation on the upper Missouri river" has had the same under consideration and has given it such consideration as the importance of the enterprise sought by the bill to be fostered deserves. Your Committee has not considered this as a bill introduced for the benefit of any single person or Incorporation but as proposed legislation to build up an enterprise in which all the people of the territory have an actual pecuniary interest in cheapening freights and bringing them into the heart of the settlements of Western Montana.

As such a majority of your Committee is of the opinion that the bill should be amended by striking out the word one where it occurs in line 7 of Sec. 1. and insert "two" in lieu thereof. also strike out the word twenty where it occurs in the bill and insert twelve in lieu thereof.

And as so amended a majority of your Committee recommend that the bill do pass. All of which is respectfully submitted.

W. H. Smith E. J. Brooke
E. A. B. Carrick

The minority report was as follows:

Mr Speaker:

A minority of your Committee to whom was referred H.B. No 19 would respectfully report that I have considered same & recommend that it do not pass

Hamilton

On motion of Mr Robinson the minority report was adopted.

The following notices were given.

By Mr Brooke. A bill to protect Buffalo in the Counties of Lewis & Clark, Jefferson, and Deer Lodge.

By Mr Beach

A bill for an act to provide for refunding the bonded indebtedness of the Territory of Montana.

On motion of Mr Sanders the house House took a recess until 2 o'clock P.M

2 o'clock P.M.

House resumed. Mr Speaker in the Chair

Roll called - Quorum present.

The Committee on Towns and Counties reported as follows:

Mr Speaker: Your Committee on Towns & Counties to which was referred H.B. No 64. A bill for an act fixing the rate of toll for grinding grain, have considered the bill and recommend that [illegible] amended

Starke

the words "The Territory of Montana".
Also, strike out the words "All grist-mills" in line 2 of Sec 1. of said bill and insert in lieu thereof "any grist-mill".
Also strike out the words "and" before the word "peas" in Sec 1 and insert the word "or" in lieu thereof.
Also insert before the word "surnames" in Sec 2. the words "initials and" Insert the word "he or they" before the word "shall" in lieu of Sec 111.
Also strike out the word "Fifty" in 9th line of Sec 111 and insert in lieu thereof the words "One Hundred" and as so amended Your Committee recommend that said bill do pass.

Forbis
Chairman

On motion of Mr Mood the amendments reported were adopted and the bill was ordered engrossed

The Judiciary Comt made the following majority and Minority reports on H.B. 51

Mr Speaker

A majority of your Committee of the Judiciary to which was referred House Bill No. 51 "an act in relation to Public Administrators" have had the same under consideration and beg leave to report the same back to the House with the recommendation that it do not pass.

McCormick
Saunders
Forbis
Boardman

The minority report was as follows

of the Judiciary Committee to which was referred H.B. No. 51. A Bill for an Act in relation to Public Administrators, beg leave to report that said bill has been considered by said Committee, and the said minority thereof recommend that said bill do pass.

Robinson

Mr Sanders moved that the bill reported be indefinitely postponed upon which motion the ayes & noes were called for when the bill was so postponed by the following vote:

Ayes- Barbor. Beach. Boardman. Boyer. Combs.
Cormick. Edwards. Fergus. Forbis. Harrington
Marion. McCormick. McElroy. Mood. Sanders
Steell. Thorpe. Wilson. Mr Speaker. 19.
Noes- Brooke. Hamilton. Noyes. Perkins. Robinson.
Stuart. Sweeney. 7.

The Judiciary Committee reported as follows:

Mr Speaker:

The Judiciary Committee to which was referred H.B. No. 66. A bill for an act to exempt laborers wages from attachment beg leave to report that it has considered said bill and report the same back to the House without any recommendation.

Robinson
Chairman

On motion of Mr McElroy further consideration of the bill reported was indefinitely postponed.

The Judiciary Comt. reported as follows on C.B. 28.

Mr Speaker:

The Judiciary

Committee [illegible] was referred C. [illegible] 28 C.

[illegible]

leave to report that it has considered said bill and recommend that the same do pass

Robinson
Chairman

Mr Sanders moved a suspension of the rules that the bill reported be read a 3rd time & placed upon its final passage which motion prevailed. The bill was so read and passed by the following vote:

Ayes - Barbour. Beach Boardman. Boyer.
Brooke. Combs. Cornick. Edwards.
Fergus. Forbis. Hamilton. Harrington.
Marion McCormick. McElroy Mood.
Noyes. Perkins Robinson. Sanders
Stull. Stuart. Sweeney. Thorpe
Wilson Mr Speaker.
Noes - None.

Title was agreed to.

Mr Sanders moved to reconsider the vote by which H.B. 20. an Act to provide for the taxation of the proceeds of mines was lost. Which motion Mr Hamilton moved to lay upon the table and the ayes and noes being called for the motion to lay upon the table was lost by the following vote:

Ayes - Boyer. Brooke. Edwards Fergus.
Hamilton Perkins Stull Thorpe. 8
Noes Barbour, Beach. Boardman. Combs.
Cornick. Forbis Harrington. Marion.
McCormick McElroy. Mood.
Noyes. Robinson Sanders. Stuart
Sweeney Wilson Mr Speaker. 18

motion to reconsider. the ayes and noes were called for when the motion prevailed by the following vote:

Ayes- Barbour. Beach. Boardman Brooke. Combs
Cornick. Forbis. Harrington. Marion.
McCormick McElroy. Mood. Noyes.
Robinson. Sanders. Stuart Sweeney. Wilson
Mr Speaker. 19.
Noes. Boyer. Edwards Fergus. Hamilton.
Perkins. Steele. Thorpe. 7.

Mr Sanders moved to reconsider the vote by which H.B. 47. An Act to establish and regulate the fees of witnesses. Jurors & certain officers of Montana Territory was lost which motion was upon motion of Mr Hamilton laid upon the table.

The Judiciary Committee reported as follows:

Mr Speaker:

The Judiciary Committee to which was referred H.B. No 55. a bill for an act to amend an act Entitled an act to provide a code of Civil procedure in the Territory of Montana beg leave to report that it has considered said bill and recommend that the same do pass.

Robinson
Chairman.

The bill reported was ordered Engrossed

Mr Robinson reported as follows.

Mr Speaker:

The Judiciary Committee to which was recommitted C.B. No 13. bill for an act prescribing the penalty for Murder beg leave to report said Bill back without recommendation

Also as follows.

Mr Speaker:

The Judiciary Committee to which was referred H B No 64. ~~lay leave~~ a bill for an act prescribing the duties of certain officers and prescribing a penalty for non performance thereof beg leave to report that it has considered said bill and do recommend that the same do pass.

Robinson
Chairman.

H B 64. last named was referred to the Engrossment Comt.

The Judiciary Comt: reported as follows on H B 70.

Mr Speaker:

The Judiciary Committee to which was referred H B. No 70 bill for an act to amend Chapter 61 of the laws of Montana Territory Entitled an Act to authorize Tits representatives of deceased persons to maintain action for injuries to the deceased in certain cases beg leave to report that it has considered said bill and recommend that it do pass

R Robinson
Chairman

Mr Sanders: moved to amend the bill reported by striking out words "twenty" and inserting "ten" in lieu thereof which amendments was adopted and the bill as amended was ordered engrossed.

The Ways and Means Committee made the following report:

Mr Speaker:

Your Committee on Ways & Means to whom was referred H.B. No 61 "An act to tax dogs" have had the same under consideration and beg leave to report the same back without recommendation.

McCormick
Chairman

On motion of Mr Sanders the bill reported was indefinitely postponed.

The Judiciary Committee made the following report:

Mr Speaker:

The Judiciary Committee to which was referred H.B. No. 44 bill for an act in relation to insolvent debtors beg leave to report that it has considered said bill and recommend that the same be amended by making the corrections and additions made in and to the printed copy thereof herewith reported and the addition thereto herewith reported said committee recommend that said bill do pass

Robinson
Chairman

Mr Hamilton moved that the bill reported be indefinitely postponed upon which motion the Ayes and noes were called for when the motion was lost by the following vote

Ayes - Barbour Brooke Hamilton Harris [illegible]
McElroy Mead P[illegible] [illegible] Swan

Noes - Beach Bryant [illegible]

On motion of Mr McCormick the House went into Comt. of the whole on H B 44 an act in relation to Insolvent Debtors

Mr Boardman in the Chair

House resumed - on motion of Mr Sanders Mr Boardman was elected Speaker pro tem.

By leave of the House Mr Edwards introduced H B 73 a bill for an act concerning licences By leave of the House, Mr Beach gave notice of the introduction of a bill for an act to establish a public highway in Township No 11 County of Lewis & Clark

The following report was received

Mr Speaker:

The Comt. of the whole House have had under consideration H.B. 44 a bill for an act in relation to Insolvent Debtors and have instructed me to report progress and ask leave to sit again.

W. T. Boardman
Chairman

On motion House adjourned until 10 o'clock A.M. Feby 17th 1879.

Samuel Word
Speaker House Representatives

Jas. E Kanouse
Chief Clerk.

Thirty Sixth Day
House of Representatives
Feby 17th 1879.

House met pursuant to adjournment.

Mr Speaker in the Chair.

Roll called. Quorum present.

Prayer by the Chaplain

Journal of the thirty fourth day read and approved.

The following message was received from the Governor.

Territory of Montana
Executive Department
Helena February 17th 1879.

To the House of Representatives

I have the honor to return to the House of Representatives, House Bill No 36. Entitled An Act concerning the sale of intoxicating liquors, without my signature.

This Bill is a new departure in legislation, and its only merit is its novelty.

The sale of wines liquors, &c is legalized by the United States and the Territory by granting license to persons engaged in the business, and a heavy tax is imposed and paid by persons engaged in the traffic.

The business being recognized as a legal one and taxes on the same, it appears to be unfair to abridge the right of those engaged in the business to collect their accounts, legitimately contracted. The tendency of wise legislation is in the direction of requiring men to pay their honest contracts, and I cannot give my assent to the ob-[illegible] proposed in this

On motion of Mr Sanders the vote on the final passage of H.B. 36 returned by the Governor was reconsidered and the question being shall the bill pass the objections of the Governor notwithstanding the vote was as follows:

Ayes – Barbour. Boardman. Cornick.
Edwards. Hamilton. Harrington.
Marion. McCormick. Mood. Perkins
Robinson. Sanders. Stuart. Thorpe
Mr Speaker. 15.
Noes – Beach. Boyer. Brooke. Combs. Fergus
Forbis. Noyes. Sweeney. Wilson. 9
Absent. McElroy & Steele.

Failing to receive a two thirds vote the bill was declared lost

The Ways and Means Comt. reported as follows:

Mr Speaker: Your Committee of Ways & Means to whom House bill No 33 was referred, hereby report back a substitute bill which after due consideration and consultation with the Governor do recommend the passage of the substitute herewith.
McCormick
Chairman

On motion of Mr McCormick the substitute reported was adopted

Mr McCormick moved that the rules be suspended, that the substitute be adopted and placed on its final passage which motion prevailed. The bill was read a 3d time and passed by the following vote

[illegible] Boyer. Combs

Marion. McCormick. Mood. Noyes. Perkins. Robinson
Sanders. Stull. Stuart. Sweeney. Mr Speaker.
Noes – Brook. Harrington. Thorpe. Willson.
Absent McElroy
Title agreed to

Ways and Means Comt. reported as follows

Mr Speaker:
Your Committee on ways & means to which was refered H.B. No 22 An Act to establish and regulate the fees have had the same with Council Amendments thereto under consideration and would recommend that the House do concur in said amendments.

McCormick
Chairman

On motion of Mr McCormick the Council amendments refered to were concurred in.

Mr Barbour moved that leave of absence be granted to Mr McElroy which motion was lost

The Committee on Education and Labor reported as follows:

Mr Speaker:
Your Committee on Education and Labor to which was referred H.B. No 62. An act to consolidate the office of Territorial Superintendent of Public Instruction with the office of Territorial Auditor would report. That they have had the same under consideration and would recommend that the bill do pass.

Thorpe
Chairman

Mr Sanders moved to amend the bill as follows

Strike out "Auditor" [illegible] it occurs in the t which amendment was adopted. And the Clerk instructed to so amend the bill in the presence of the House. Whereupon the clerk proceeded to & did so amend the bill

Mr Fergus moved to suspend the rules that the bill be considered Engrossed, read 3rd time and placed upon its final passage which motion prevailed, the bill was so read and passed by the following vote:

Ayes - Beach, Boyer, Brooke, Combs, Cornick
Edwards, Fergus, Forbis, Hamilton Harrington
Mason, Mead, Noyes, Robinson, Sanders.
Stull, Stuart, Sweeney Thorpe Wilson.
Mr Speaker. 21.
Noes - Barbour, Perkins 2.
Absent - McCormick McElroy.

Title was amended to read "An act to consolidate offices"

The Committee on Education and Labor reported as follows:

Mr Speaker!

Your Committee to which was referred H.B. No 20. An act to established the fees of Territorial Treasurer and Auditor would beg leave to report the same back to the House with the following amendments. Strike out Sec. 1. of the Bill and substitute Sec 2 in lieu thereof

With this amendments your Committee would recommend that the Bill do pass.

Thorpe
Chairman

On motion of Mr Sanders the amendments reported were adopted and the bill ordered engrossed.

Mr Speaker!

The undersigned appointed on the part of the House as a Committee of Conference on C. B. No 5 "An Act to incorporate the The Town of Butte" beg leave to report that they have met and consulted with the members of said Committee appointed by the Council, and the Committee recommend that the House do recede from its amendments and that the bill be amended as follows:

Amend Sec 2 of article 4 by inserting between the words "ay and who" in line 4 the following "Who shall be taxpaying householders and" also strike out the word "six" in line 5 and insert in lieu thereof the word "three" also insert between the words "officers" and "provided" in the same section the following "and for the adoption of this Charter"

And as so amended your committee recommend that said bill do pass.

A like report has been made by the Council Members of the Conference Committee to the Council.

John F. Forbis
Samuel B Cornick
House members of Conference Committee

The Comt of Conference on C.B. 4 reported as follows

Mr Speaker:

Your Committee of conference appointed by the House to confer with a like committee on behalf of the Council in relation to the two houses to House amendments to C.B. No 4 entitled "An Act to provide for the funding of the Bonds of Jefferson County Montana Territory" have met the conferees of the House and had full and free conference of as to said disagreement and have agreed to report the following as the result of the conference following in lieu of the 2nd Amendment of the House

2nd Strike out the words "Ninety Six" in line 19 of Sec 2 and insert the words "Ninety Eight" in lieu thereof

That both Houses adopt the following in lieu of the 3rd amendment of the House. In Sec 4 strike out the words "One hundred" and the words "and One thousand"

Wilson
Brooke

The report of the Conference Comt on C. B. 5 was adopted & the Chief Clerk instructed to so inform the Council.

The report and amendments recommended therein of the Comt of Conference on C. B. No 4 were adopted

The Committee of the Whole House on H. B. 31 reported as follows:

Mr Speaker:

Your Committee of the Whole House to which was referred H. B. No 31 "An Act to encourage the construction of Railroads in Montana have had the same under consideration and have instructed me to report the same back to the House with the following amendments to wit

Strike out Section 1 of the bill and insert in lieu thereof the following

Sec 1. Any Railroad Company which shall build its road within the limits of this Territory prior to the 1st day of Dec A.D. 1880. shall have an exemption from assessment and taxation for the period of twelve years from the completion of the same upon so much of said road and no more as shall be constructed and placed in running order prior to said 1st day of Dec 1880

Provided that no Railroad Company shall be entitled to the benefit of this act unless it shall construct and put in running order at least one hundred miles of road within the present limits of this Territory within the time above mentioned, which exemption shall cover its road bed, right of way and Rolling Stock and appurtenances necessary to the maintenance use or operation of its said Railroad.

Amend Sec. 2 by inserting after the words "the above determined portions of"

Also amend Section (2) Two by inserting after the word aforesaid in line 7 printed Copy of the bill the following "For all road constructed prior to Dec 1st 1880.

Also insert after the word "thereof" in line eight said Section "By said Secretary" Also by striking out the words "said Secretary" line 8 of said section and insert in lieu thereof the words "the Territory of Montana.

Amend Sec (3) three by inserting after the word "line" in line six (6) the words "except exemption from taxation" Also amend said section by striking out the word "Condemn" in line seven (7) and inserting in lieu thereof the words "procure to be condemned"

Also amend said section by inserting after the figures "1862" in line 14 the words "and the amendments thereto"

Amend by adding the following to said section three (3) and after the expiration of the time limited in this act the said Road and its appurtenances shall be taxed as is other property in the Territory

Amend by striking out Sections four & five of the bill.

With these amendments the Committee have instructed the Chairman to report the bill back to the House with the recommendation that it do not pass

Mr Ward. moved to amend as follows.

Strike out all after the Enacting clause and insert

Section 1. Any Railroad Company which shall build its road within the limits of this Territory prior to the first day of December A.D. 1880, shall have an exemption from assessment and taxation for the period of twelve years from the completion of the same upon so much of said road and no more as shall be constructed and placed in running order prior to said first day of December A.D. 1880 Provided that no Railroad company shall be entitled to the benefits of this act unless it shall construct and put in running order at least One hundred miles of railroad within the present limits of this Territory within the time hereinbefore mentioned. which exemption shall cover only its road bed right of way, rolling stock, and appurtenances. which shall be necessary to the use and operations of its said railroad.

Section. 2. Such exemption shall be obtained by said railroad company by filing in the Office of the Secretary of the Territory in writing a request for such exemption which request shall give the Corporate name, guage, length, date of construction and termini of the road for which such exemption is claimed And thereupon upon such filing the said railroad its road bed right of way, rolling stock and appurtenances absolutely necessary to the use and operation of road so built as herein provided become [illegible] all kinds of be deemed a contract for exemption from taxation and assessment for the period aforesaid and no longer. Such request shall be placed on file in the office of the Secretary of the Territory. And a certified Copy thereof under the seal of said Territory shall be evidence of said contract of exemption in all the Courts of this Territory.

Provided, that after the expiration of the time limited in the first section of this act for exemption of said railroad the said Railroad its road bed, rolling stock and all property of any kind whatsoever pertaining to the same shall be assessed and taxed the same as other property.

Mr Sweeney moved a call of the House

On motion of Mr Sanders further proceedings under the call of the House were dispensed with

Mr Robinson moved that futher consideration of the Bill and Amendment offered be made the special order at 2½ o-clock P.M. Feby 18th 1879 which motion Mr Sanders moved to amend by by making it the special order for three o'clock P.M. Feby 14th 1879. which motion prevailed and it was so ordered.

The Engrossment Committee reported as follows:

Mr Speaker:

Your Comt. on Engrossment to whom was referred H.B. No 69 a Bill for an act prescribing the duties of certain officers and prescribing a penalty for non performance of their duties and H.B. No 55 a Bill for an act to amend an Act entitled An Act to provide a [illegible] [illegible] [illegible] of Montana Territory entitled an act to authorize the Representatives of persons deceased to maintain actions for injuries to the deceased in certain cases. Have examined the same and find them correctly engrossed

Harrington

The following report was received.

Helena M.T. February 14 1879

To The Legislative Assembly of the Territory of Montana

Your committee appointed under Council Joint Resolution No to examine and report upon the books and accounts of the Territorial Auditor and Treasurer, beg leave to report to the Council and the House that they have made a thorough examination of the books, accounts, vouchers and all matter connected with the aforesaid offices, from the first day of January 1877 inclusive to the first day of January 1879 exclusive, and your committee is satisfied that the books and accounts of the offices of the Auditor and Treasurer are correct and have been properly kept, and that the duties devolving upon the aforesaid officers, have been faithfully and efficiently discharged

Respectfully
Granville Stuart } House
S.W. Barbour } Committee
W.G. Conrad } Council
W.C. Gillette } Committee

The Committee on Grazing and Stock Growing reported as follows

Mr Speaker

Your Committee on

Horses have had same under consideration and herewith report a substitute and recommend that the same do pass

Brooke
Chairman

Mr Brooke moved that the substitute reported be adopted. which motion prevailed

Mr Brooke moved to suspend the Rules that it be considered engrossed & filed for 3rd reading which motion prevailed and the bill was so filed

The Ways and Means Comt reported as follows:

Mr Speaker:

Your Committee of Ways & Means to whom was referred House Bill No 32. An Act for the relief of W. F. Sanders & W. E. Cullen have had the same under consideration and beg leave to submit the following report

We recommend to amend said bill by striking out "Five hundred" ~~hundred and fifth~~ wherever it occurs in the Bill and insert in lieu thereof "One hundred" and with such amendments we recommend that the bill do pass

All of which is respectfully submitted

McCormick
Chairman

Mr Sull moved to indefinitely postpone the Bill so reported.

Mr McCormick moved to re-commit the Bill to Ways and Means Comt which motion prevailed and the bill was so re-committed

W [illegible] H. C.

a 1st & 2d time & Mr Sanders moved a suspension of the Rules: that the bill be considered engrossed, read 3d time & placed upon its final passage which motion prevailed the Bill was so read & Mr Sweeney moved a recess until 2 o'clock P.M. which motion was lost.

The Ayes and Noes were then called upon the final passage of the bill which was passed by the following vote:

Ayes Beach. Boardman. Combs. Edwards;
Fergus. Forbis. Harrington. Marion
Mood. Noyes. Perkins. Sanders.
Stull. Stuart. Mr Speaker. 15.

Noes Barbour. Boyer. Brooke. Cornick
Hamilton. Robinson. Sweeney
Thorpe. Wilson 9.

Absent McCormick & McElroy.

Title was agreed to. On motion of Mr Forbis House took recess until 2 o'clock P.M.

2 o'clock P.M.

House resumed Mr Speaker in the Chair.

Roll called. Quorum present.

Mr Forbis reported as follows:

Mr Speaker:

The undersigned your select Committee to whom was referred

No 46 [illegible]

County of certain expenses incurred during the Nez Perces War of 1877" beg leave to report that they have considered said bill and ~~and~~ recommend that it be amended by striking out the word "services" in lines 8 & 13 of Sec 1 of said act and insert in lieu thereof the words "Use of Property".

Also strike out the names of William A Clark and Peter Valiton in Sec 2 of said act and insert in lieu thereof the names of W Egbert Smith and Joseph K Clark.

Also substitute for Sec 6. the Sec 6 herewith submitted and as so amended Your Committee recommend that said bill do pass.

J. H. Robinson
John Noyes
John F. Forbis
W. T. Boardman
Samuel B. Conick

Substitute for Sec 6. also Sec 7 submitted by the Comt were as follows.

Strike out all of Sec 6 and insert in lieu thereof the following.

Sec 6. The expenses for per diem publication and all other expenses to be incurred by said Commissioner in auditing and paid by the County Commissioners of Deer Lodge County and in no event shall exceed the sum of Two Hundred dollars

Sec 7. The County Commissioners of Deer Lodge County shall pay no claims until after the last meeting of the Commissioners as provided in Sec 4 of this act and after all claims certified by such Commission have been duly recorded by the Board of County Commissioners and in Event the aggregate amount of all claims as certified by such Comm shall exceed the sum of Three shall pay said claims pro rata to the extent of said Three Thousand dollars and no more.

Mr Wood moved that the report and the amendments recommended be adopted which motion prevailed, and the Bill as amended was ordered engrossed.

The following message was received from the Governor.

Territory of Montana
Executive Department
Helena February 17, 1874.

Hon Samuel Word
Speaker House of Representatives

Sir:

I have the honor to inform the House of Representatives that I have signed H.B. No 28 entitled an act for the relief of St Johns Hospital.

This Bill suggests the propriety of recommending to the Legislative Assembly that authority be granted the Executive to contract for the keeping of such paupers as are likely to remain such during their lives

Reports from the several counties indicate that there are about fifteen paupers now maintained by the counties that are likely to remain a charge on the same during their lives. And that the cost of maintaining the same runs from $6.50 per week to $14.00 per week, besides medical attendance and burial expenses.

It is my opinion that the Territory can contract for the maintenance of all such paupers to include medical attendance and burial ~~expenses~~ at not exceed $4.00 per week be granted every effort shall be made to contract for even a less rate than that above stated; and it is believed that better facilities can be obtained for the comfortable maintenance of the unfortunate poor, than is now afforded by the several counties

Respectfully
Signed B. F. Potts

On motion of Mr Sanders the communication was referred to the Committee on "Penitential Affairs"

The following majority & minority reports were received from a Select Comt. on H. B. No 7. "An Act to tax Jury fees".

Mr Speaker:

A majority of your Special Committee to whom was referred H. B. No 7 An Act to tax Jury fees have had the same under consideration and herewith present the accompanying substitute and recommend the same do pass.

Brooke.
Perkins
Fergus
Hamilton
Wood
Thorpe.
Marion

The minority report was as follows

Mr Speaker:

The minority of the Select Committee to which was referred H. B. No 7 bill for an Act to tax Jury Fees beg leave to report: That we recommend that said Bill do not pass. That the said bill and the substitute reported by the majority of their Committee are both so indefin and uncertain as to their [illegible] would but serve to beget confusion in Entering up judgment and what is intended by such a law would violate well settled principles of law and would defeat even the intentions of the bill

Robinson
Sanders

Mr Forbes moved to indefinitely postpone the bill and substitute reported by the Comt.

Mr Brooks moved a call of the House

Roll called. Absent Barbour. Hamilton and McElroy

On motion of Mr Robinson further proceedings under the call of the House were dispensed with

The motion to indefinitely postpone was lost

And on motion of Mr McCormick the bill and substitute were recommitted to the Comt on Judiciary

The hour of 3 o'clock P.M. having arrived the House proceeded to the consideration of H.B. 31. An act to encourage the construction of R R in Montana together with the amendment substituted by Mr Ward, said bill and amendment being the special order for that hour.

Mr Ward moved the adoption of the amendment which being read for information the motion to adopt "prevailed" and the bill as amended was ordered engrossed introduction of a Memorial concerning the "Government of Montana"

On motion of Mr Noyes the House adjourned.

Samuel Word
Speaker House Representatives

Attest Jas E Kanouse
Chief Clerk

Thirty Seventh Day

House of Representatives
Feby 18th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair.

Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read and approved

Mr Sanders moved that H B 31 An Act to encourage the construction of R.R's in Montana be recalled from the engrossment Comt. and recommitted to the Comt. on Internal Improvements which motion prevailed and the bill was so recalled and committed

On motion of Mr Brooke Sub's for H. B. 9, was recommitted to the Comt. on Grazing and Stock Growing

The Comt. on the Judiciary reported as follows

Mr Speaker:

The undersigned a majority of the Judiciary Committee to which was referred Council Bill No 29 bill for an act to provide for the Codifications of the General laws of Montana Territory beg leave to report that it has considered said bill and report same back without recommendation

Robinson
Chairman

Forbis moved th

Amend by striking out all of Sec. 6. of said bill after the words "book forms" in line 6. of said Sec Council engrossed bill and insert in lieu of the portion stricken out ~~and~~ the following

The printing of such codification shall be paid for at the same rate now allowed by the United States Government under the laws thereof for public printing. and the Auditor shall draw his warrant as herein before provided for the cost of the printing of such Codification at the rates aforesaid. Provided the Territory of Montana shall in no case be held responsible for any greater amount than said sum of One Thousand Five Hundred Dollars for such printing, nor shall any portion of the appropriation herein made be paid for any number of copies of such Codification less than said number of Three Hundred.

Add to said Bill as Sec. 7 the following:-

Sec. 7. No money herein appropriated shall be paid nor shall the Auditor draw his warrant for any part of the amount in this act appropriated until the number of copies of such codification herein specified shall be printed and delivered as herein required. Nor shall any portion of the amount herein appropriated to the said Harry R Comly be paid unless such codification be printed in the manner in this act prescribed

The amendments reported were adopted and ordered engrossed.

The following message was received from the Council:

Council C Montana Te

I am directed by the Council to inform the House that:

The Council have agreed to the report of the Joint Conference Committee on C.B. 4 entitled an act to provide for the funding the bonds of Jefferson County M.T.-

That Holter gave notice of the introduction of a bill for an act to amend an act to provide for a system of common schools.

That the following bills were introduced

By Conrad.

C.B. 39 "An Act to enable the County Commissioners to intelligently settle with County Treasurers".

By Holter:

An Act to amend an act to provide for the support, care and maintenace of the County sick and poor.

The following have passed the Council & are transmitted

H.J.R 5 referring to information concerning Montana with amendments.

H.J.M. 11. In relation to restoring a portion of the Crow Indian Reservation to the public domain".

Also.

C.B. 33 "An act to provide for printing Marks and brands"

Respectfully
Harry R. Comly
Chief Clerk

H.J.M 11 Transmitted as above was ordered enrolled.

On motion of Mr Sanders the House

and the Res. was ordered enrolled

C.B. 33 An Act to provide for printing "Marks and Brands" was read a 1st & 2d time and referred to the Comt. on "Grazing and Stock Growing"

The following message was received from the Council:

Mr Speaker:

I am instructed by the Council to inform the House, that:

Sedman introduced C.B. 36 "An Act reapportioning the members of the Legislative Assembly

Respectfully
Harry R Comly
Chief Clerk

Also the following:

Mr Speaker:

I am directed by the Council to inform the House, that:

C.B. 31 "an act to provide for the collection of the special road and poor tax"

And

H.B. 48. "An Act to provide for keeping the records of the District Court at the County seats of the Counties where such Courts may be held." have passed the Council and are transmitted

Respectfully
Harry R Comly
Chief Clerk

House Bill 48. transmitted as above was ordered enrolled

C.B. 31 An act to provide for the collection of the Special road and poor tax was referred to the Comm on "El

The Enrollment Comt reported as follows:

Mr Speaker!
Your Joint Committee on Enrollment beg leave to report that it has examined and compared
H.B. No 27. An Act to repeal Sec 156 of the Criminal Laws.

H.B. No 12 An Act prescribing a Bounty for the destruction of certain animals

H.B. No 35. An Act to amend an act concerning crimes and punishment;

H.J.M. No 5

Council Substitute for H.J.M. No 7.

H.J.M. No 10 Asking for the establishment of a U.S. Land Office at Miles City Custer Co. M.T.

H.J.M. No 8
In relation to Military Telegraph
Also
C.J.M. No 2. In relation to the enlargement of the U.S. Penitentiary of Montana.

and C.B. No 7. An Act to prevent the trespassing of animals upon private property and find the same correctly enrolled.

Forbis

The following communication was received from the Council

Mr Speaker!
Council Substitute for
H " Substitute for " " " 25 An Act

and water rights" has passed the Council and is transmitted

Respectfully
Harry R Comly
Chief Clerk

Substitute referred to was read and referred to Judiciary Committee

On motion of Mr Sanders. The Rules were suspended, and H.B. 83. "An Act to protect Bison in Deer Lodge. Lewis and Clark and Jefferson Counties" was read 1st and 2d time and Mr Brooke moved to amend as follows

Amendment to House Bill No 83.

After Sec 1 insert the following

Sec 2d That the possession of the green hides or the dead bodies or any part thereof of any buffalo or bison by any person or persons within the limits of said counties shall be taken as prima facie evidence that such person or persons are guilty of Killing the same.

And re-number the succeeding section
Brooke.

The amendment was adopted.

Mr Stuart moved to amend as follows

Amend by inserting after the words Shot or Kill in the first section the words "or cause to be Killed"

Which amendment was adopted.
and the Bill ordered engrossed.

On motion of Mr Harrington H.B. 86. "An Act to enable Meagher County to remove the County Seat" was read 1st and 2 [illegible] suspended; the Bill considered engrossed; read 3d time by Title and passed by the following vote

Ayes- Beach. Boardman Boyer. Brooke. Combs. Cornick. Edwards Fergus
Forbes. Hamilton. Harrington.
McCormick. Mood. Noyes. Perkins.
Sanders. Steele. Stuart. Sweeney
Thorpe. Wilson. Mr Speaker. 22.

Noes- Burbour. Marion McElroy 3.
Absent Mr Robinson.

Title was agreed to.

The following message was received from the Council:

Mr. Speaker:

I am directed by the Council to inform the House, that:

Holter introduced

CB. 41. An act to encourage the manufacture of Sugar in the Territory of Montana

also.

CB. 42. "An Act to amend an Act entitled "An Act to provide for a system of Common Schools"

The following bills have passed the Council and are transmitted. to wit:

CB. 38. "An Act to prohibit the stacking of hay in towns"

CB 36. "An Act reapportioning the members of the Legislative Assembly"

CB 30. "An Act to amend Sec 10 of an Act [illegible] Licenses"

H.B. 45. An Act authorizing assessors to appoint a deputy.

H.B. 43. "An Act to provide for the payment of certain expenses"

H.B. 22. is returned

Respectfully
Harry R Comly
Chief Clerk

H.B. 22. H.B. 43. H.B. 45.
Returned with the above communication were ordered enrolled.

The following Message was received from the Council.

Mr Speaker:
I am directed by the Council to inform the House, that
H.B. 74. "An Act limiting compensation in certain cases" has passed the Council with amendment.—

Respectfully
Harry R Comly
Chief Clerk

On motion of Mr Sanders the Council Amendment to the bill was concurred in, and the bill was ordered enrolled.

C.B. 30.
"An Act to amend Sec 10 of an Act concerning Licences was read 1st and 2d time and referred to Ways and Means Committee.

C.B. 36. "An Act reapportioning Members of the Legislative Assembly was read 1st and 2nd time and Mr Brattle moved to amend as follows.

Amend 2 [illegible] 19th

"To the Counties of Gallatin and Jefferson jointly "one member".

Strike out in line 21 after the word "Jefferson" the words "one member and insert in lieu thereof the words "two members"

Mr McCormick moved that the bill and Amendments together with the same subject be made the special order in Comt of the whole at half past 7 o'clock P.M. Feby 18th 1879 which motion prevailed

C.B. 38. "An Act to prevent the stacking of hay in towns was read a 1st & 2d time and on motion of Mr Forbis was indefinitely postponed

The following message was received from the Council:

Mr Speaker:

H.B. 62. An Act to consolidate offices "has passed the Council and is transmitted

Harry R Comly
Chief Clerk

H.B. 62, was ordered enrolled

The following message was received from the Council.

Mr Speaker:

C.B. 24 "An Act imposing a tax and prescribing the mode of collecting the same and the privilege of selling wines, ardent spirits or malt liquors within the limits of this Territory" has passed the Council and is transmitted.

Mr Hamilton moved that the bill transmitted be indefinitely postponed which motion was lost

Mr Stull

Moved that its further consideration be made special order at 5 minutes to 12 o-clock Feby 21st 1879.

Mr Hamilton moved to lay the Bill upon & the Ayes & noes being called for the motion prevailed by the following vote:

Ayes Beach. Boyer. Combs. Cornick Edwards Fergus Forbis Hamilton Hamington. McElroy Mood. Noyes. Perkins Sanders Stull Sweeney Thorpe. 17.

Noes. Barbour. Brooke. Marion McCormick Robinson Stuart. Wilson. Mr Speaker. 8.

Absent: Mr Boardman.

On motion of Mr Brooke the rules were suspended & H. B. 6. An Act to compel butchers to keep a record of Marks & brands of animals slaughtered by them was read a 3rd time and passed by the following vote:

Ayes- Beach. Boyer. Brooke. Combs Cornick Fergus. Forbis. Hamilton Marion McCormick McElroy. Robinson Stull Stuart Thorpe. Wilson Mr Speaker

Noes Barbour. Edwards Hamington. Mood. Noyes. Perkins Sanders. Sweeney

Title was agreed to.

H. B. 84. A bill to provi[illegible] the funding the outsta[illegible] & the read a 1st & 2d time and referred to the Comt. on Ways & Means.

On motion of Mr Mood the House took a recess until 2. o'clock P.M.

2. o'clock P.M.

House resumed

Mr Speaker in the chair

Roll called - Quorum present.

The Committee on Enrollment reported as follows:

Mr Speaker:

Your Joint Committee on enrollment beg leave to report that it has examined and compared the following Council bills and find the same correctly enrolled

C.B. No 27.

An Act to repeal Sec 6 of An Act to provide for the collection of revenue approved Jany 12 1872.

C.B. No 28.

An Act to correct in reference to sections of the Code of Civil Procedure

Also C.B. No 14 An Act to authorize the Govrnor to contract for keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary at Deer Lodge.

Yours

The Comt on Engrossment reported as

Mr Speaker:

Your Committee on Engrossment to whom was referred C.B. 29 An Act to provide for the Codification of the General Laws of Montana Territory with amendments thereto, have examined bill and amendments and find the same correctly engrossed.

Harrington

On motion of Mr Forbis the rules were suspended the bill reported was read a 3rd time and passed by the following vote

Ayes. Barbour. Beach. Boardman Board. Brooke.
Combs. Cornick. Edwards Fergus. Forbis.
Harrington. Marion. McCormick McElroy
Mood. Noyes. Perkins. Robinson. Stuart
Sweeney. Thorpe. Wilson. Mr Speaker. 23

Noes - Sanders. Still. 2
Absent - Hamilton.

Title was agreed to.

The following majority and minority reports were received from the Committee on Internal Improvements on H.B. 31. An Act to encourage the construction of R.R.'s in Montana.

Mr Speaker:

Your Committee on Internal Improvements to which was referred H.B. No 31 A Bill for an Act to encourage the construction of Rail Roads in Montana have had the said bill with the amendments under consideration an in deference to the wishes of a majority the accompanying substitute is reported back with the recommendation that it be adopted and pass.

The minority report was as follows

Mr Speaker:

The minority of your Committee to whom was referred H B No 31 with amendments have had the same under consideration and not being in favor of the Exemption from taxation of any species of property, and adhering unflinchingly to the doctrine of equal justice to all and special privileges to none "report the same back with the recommendation that it do not pass."

In making this report I feel confident that I represent the unanimous opinion of the Citizen residing in the section of Country I represent as well as a majority of the Citizens of the Territory of Montana

All of which is respectfully submitted

Hamilton

The Substitute reported by the majority of the Comt was adopted

Mr Speaker announced that he was now about to sign C J M 2 In relation to the enlargement of the U.S. Penitentiary at Deer Lodge

Also

C. B. 7. An Act to prevent trespassing of animals upon private property

The Comt on Enrollment reported as follows

Mr Speaker:

Your Joint Committee on

keeping the records of the District Courts at the County seats of the Counties where such Courts may be held

Also.

H.B. No 74. A Bill for an act limiting compensation in certain cases. and beg leave to report the same correctly Enrolled

Forbis.

Mr Speaker announced that he was now about to sign C.B. 28. An Act to correct errors in reference to the code of civil procedure

Also C B 23. An Act to amend an Act in relation to the collection of Revenue

Also C.B. 14. An Act authorizing the Governor to contract for the keeping and maintaining of the Territorial Convicts in the U.S. Penitentiary

Also H B 48. "An Act to provide for keeping the records of the Dist. Court at the seats of the Counties where such Courts may be held."

Also H.B. 74, "An Act limiting compensation in certain cases"

Also H.B. 27. "An Act to repeal an act prohibiting Sale of liquor to soldiers"

Also H.B. 12. An Act prescribing a Bounty for the destruction of certain animals

Also H B. 35. "An Act to amend an Act concerning Crimes & punishments"

Also H J M. No 8 In relation to Military Telegraphs of a U. S. Land Office at Miles City Custer Co. M. T.

Also H. J. M. 7 "Asking Secretary Interior to give Stockmen right to drive flocks and herds across Reservations"

Also H. J. M. 5 "In regard to Chinese Emigration"

H. B. 75. An Act in relation to Insane Convicts was read a 1st & 2d time and Mr Forbis moved a suspension of the rules that the bill be considered engrossed & placed upon its final passage which motion prevailed the bill was read a 3d time and passed by the following vote:

Ayes— Beach, Boardman Boyer Brooke Combs Cornick. Edwards. Fergus Forbis Hamilton Harrington Marion. McCormick McElroy Mood Noyes. Perkins Robinson Sanders. Steele Stuart. Sweeney. Thorpe. Wilson Mr Speaker

Noes Barbour:

Title was agreed to

H. B. 89 An Act in relation to fences was read a 1st & 2d time and Mr Beach moved to amend by striking out word "five" in Sec. 1. and inserting four & one half in lieu thereof which amendment was adopted and the bill was referred to the Comt on "Agriculture and manufactures".

H. B. 87 An Act co [illegible] Passed

The Engrossment Committee reported as follows

Mr Speaker:

The Committee on Engrossment do hereby report the following House Bills correctly engrossed

H.B. No 64 "A Bill for an act fixing the rate of toll for grinding Grain"

H.B. No 30.

"An act in relation to fees of County Clerks"

H.B. 40. An act to establish fees of Territorial treasurer & Auditor.

Harrington
Chairman

Mr Sanders moved a suspension of the rules that H.B. 40 "An act to establish fees of Territorial Auditor" which motion prevailed and the bill passed by the following vote

Ayes - Beach. Boardman Boyer. Brooke. Combs.
Cornick Edwards. Fergus Harrington
McCormick. McElroy. Mead. Noyes. Perkins
Sanders. Stull. Stuart. Sweeney. Thorpe.
Wilson. 20

Noes - Barbour. Hamilton. Marion. Mr Speaker. 4.

Absent: Forbis Robinson.

Title amended to read

An Act to establish fees of Territorial Auditor

The Committee on Engrossment reported as follows.

Mr Speaker

a bill for an Act to provide for the payment by Deer Lodge County of certain expenses incurred during the Nez Perces war of 1877.

Harrington
Chairman

The Comt. on Grazing and Stock Growing reported as follows:

Mr Speaker

Your Committee on Grazing and Stock Growing to whom was recommitted H.B. 9. in relation to " estrays have had same under advisement and herewith present the accompanying amendment and with said amendments recommend that the same do pass.

Brooke
Chairman

The amendments accompanying the report were as follows.

Amend Sec 2. page two line three by changing the word twenty to the word thirty

Also Amend said section by striking out all after the word such sale in 11th line and inserting by a publication thereof with discriptions of such animals with the marks or brands (if any) thereon at least five weeks in the weekly news papers published nearest the place of sale in said school District said sale to be made at the corral nearest the school house

The amendments were adopted and the bill was ordered engrossed as amended

H.B. 88. An Act to establish and regulate the Fees of County Superintendent of Common Schools was read a 1st & 2d time & referred to Committee on Education & Labor

H.B. 82.

"An Act in relation to the taxation of Calves under one year of age" was read 1st & 2d time and referred to Committee on Grazing & Stock Growing.

H.B. 79.

"An Act to provide for the incorporation of Religious Benevolent and other associations" was read 1st & 2 time and referred to Committee on Incorporations

H.B. 78. an Act to facilitate the conviction of Robbers was read a 1st & 2d time and Mr Mc McCormick moved a suspension of the rules that the bill be considered engrossed read a 3d time & placed upon its final passage which motion prevailed. The bill was read and passed by the following vote:

Ayes - Beach Boardman Boyer Brooke Combs Cornick Edwards, Hamilton Harrington Marion, McCormick McElroy Mood Noyes Robinson Sanders Stuart Sweeney Thorpe Wilson Mr Speaker. 21

Noes Barbour. Fergus. 2

Absent Forbis Perkins Stull

Title amended to read "An Act to amend an Act entitled "An Act [illegible] facilitate the Conviction of [illegible]

H.J.M. 12. "In regard to Public Highways from Mouth of Big horn River to Henrys Lake" was read 1st and 2d time and Mr Perkins moved a suspension of the Rules that the bill be considered engrossed read 3d time and placed upon its final passage which motion prevailed the Bill so read & passed by the following vote:

Ayes- Barbour. Beach. Boardman Boyer
Brooke. Combs. Cornick Edwards
Fergus Forbis Hamilton. Harrington
Marion. McCormick McElroy
Mood. Noyes. Perkins Robinson
Sanders Steell Stuart: Sweeney.
Thorpe: Wilson Mr Speaker

Noes None.

Title agreed to.

H.B. 80. An Act to amend an act entitled An Act providing for the Collection of Revenue approved Jany 12 1872. was read 1st & 2d time and referred to Ways & Means Committee

H.B. 77. "An Act to establish a Public Highway in Township No 11 County of Lewis & Clark. Was read a 1st & 2d time and Mr McCormick moved a suspension of the rules that the bill be considered engrossed read a 3d time & placed upon its final passage which motion prevailed the bill was so read and passed by the following vote-

[illegible] Barbour Beach Boardman Boyer Brooke
[illegible] ilton

Mood. Noyes. Perkins Robinson Sanders. Steell Stuart Sweeney Thorpe. Wilson Mr Speaker. 26

Noes None.

Title was agreed to.

H.B. 76.

An Act requiring certain officers to report under a penalty and to provide for certain printing. Was read a 1st & 2d time and referred to the Comt. on "Territorial Affairs"

H.B. 81.

An Act to exempt Physicians and Surgeons from payment of Licenses Was read a 1st & 2d time and Mr Steell moved it be indefinitely postponed upon which the Ayes & Noes were called when the motion prevailed by the following vote.

Ayes - Barbor. Beach. Boardman. Boyer.
Brooke Combs. Fergus. McCormick.
Mood. Noyes. Sanders. Steell. Stuart
Thorpe. 14

Noes - Cornick Edwards. Forbis Hamilton
Harrington Marion. McElroy
Perkins Robinson Sweeney Wilson
Mr Speaker. 12

H.B. 31.

Bill to encourage the construction of Railroads in Montana being before the House for 3d reading Mr Beach moved to refer to Committee on Printing upon which the Ayes & Noes were called and the motion was lost by the following vote:

Ayes - Beach - Boyer Edwards [illegible] Harrington
Mc[illegible]

Noes- Barbour. Boardman. Brooke. Combs.
Cornick Fergus. Forbis McCormick
Mood. Noyes Sanders. Steell Stuart
Mr Speaker! 14

Mr Robinson moved that it be made Special order for 10½ o'clock tomorrow which motion was lost by the following vote

Ayes- Boyer. Brooke. Edwards. Hamilton
Harrington. Marion McElroy
Perkins Robinson Sweeney 10

Noes- Barbour. Beach. Boardman 11
Combs. Cornick. Fergus Forbis
McCormick Mood. Noyes.
Sanders. Steell Stuart Thorpe
Wilson Mr Speaker. 16.

The bill was read a 3d time

Mr McCormick presented a petition favoring exemption from taxation of Rail roads

Mr Forbis in the Chair.

Mr Marion presented a petition against exemption from taxation of Railroads

Mr Speaker! in the Chair. On motion of Mr Sanders House took a Recess to 7:20. P.M.

7. o'clock & 25 minutes P.M.

House resumed

Mr Speaker in the Chair

Roll called – Quorum present

The Enrollment Comt reported as follows

Mr Speaker!
Your Joint Comt on enrollment beg leave to report that it has examined the following bills and find the same correctly enrolled

H.B No 62.
An Act to consolidate offices
also.

C.B. No 29 An Act to provide for the Codification of the General laws of Montana

Forbis

Mr Speaker announced that he was now about to sign C.B. 29 An Act to provide for the Codification of the General and permanent laws of Montana
also
H B 62 "An Act to consolidate offices"

House resumed consideration of H. B. 31. the question being upon the final passage of the bill

Mr Perkins moved to adjourn until 10 o'clock to morrow upon which the Ayes & Noes were demanded and the motion was lost by the following vote

Ayes 8 Edwards Forbis Beach Hamilton

Noes- Barbour. Boardman Brooke. Combs.
Cornick Fergus. Harrington Marion.
McCormick Mood. Noyes. Sanders.
Steell Stuart Thorpe. Wilson
Mr Speaker. 17.

Mr Sanders moved the previous question which being sustained the ayes & Noes were then called and the bill was passed by the following vote

Ayes. Barbour. Boardman. Combs.
Cornick Fergus. Forbis. McCormick.
McElroy. Mood. Noyes. Sanders.
Steell. Stuart. Mr Speaker. 14

Noes- Beach Boyer. Brooke. Edwards.
Hamilton Harrington. Marion
Perkins. Robinson. Sweeney Thorpe
Wilson. 12.

Title was agreed to.

Mr McCormick moved that the vote by which the bill passed be reconsidered. which motion was on motion of Mr Sanders laid upon the table

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Attest Jas E Kanouse
Chief Clerk

Thirty Eighth day

House of Representatives

Feby 19th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called – Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved

On motion of Mr Sanders the Rules were suspended and H.B. No 90. An act defining assessable property was read 1st & 2d time and Mr Sanders moved to amend by adding to Sec 2 the words "assessed and taxed accordingly" which motion prevailed and the Clerk directed to engross said amendment in the bill in the presence of the House which was done accordingly and the bill referred to printing Committee.

H.B. 73.

"An Act to pay certain Indebtedness" was read 1st & 2d time and on motion of Mr Beach the Rules were suspended. the bill considered Engrossed. read 3d time by title and passed by the following vote.

Ayes – Beach. Boardman. Boyer. Brooke. Combs.
Edwards. Fergus. Hamilton. Harrington
McElroy. Mead. Noyes. Ritting. Sanders
Stuart. Swiney. Thorp. Thelm
Mr Speaker. 19

Absent Barbour. Comick. Forbis
Marion McCormick. Robinson
Stull.

Title agreed to.

H B 85

An act authorizing Surveyors and U. S. Deputy Mineral Surveyors to perform certain acts was read 1st & 2d time and on Motion of Mr Sanders the Rules were suspended the bill was read 3d time by Title and passed by the following vote

Ayes- Beach. Boardman. Boyer. Brooke.
Combs. Comick. Edwards. Fergus. Forbis
Hamilton. Harrington. Marion.
Mr McCormick. McElroy. Mood Noyes
Perkins Robinson Sanders. Stuart
Sweeney. Thorpe. Wilson Mr Speaker

Noes None.
Absent Barbour. Stull.

Title agreed to.

H. B. 91. An Act to legalize the action of School District No 7 in Gallatin County Montana Territory was read 1st & 2d time and Mr Sanders moved to amend by inserting the following "Provided that nothing herein contained shall be interpreted to confirm the issuance of more than fifteen thousand dollars of bonds under said act" which amendment was adopted

On motion the Rules were suspended the bill ordered engrossed for 3d reading

H.B 92.

"An Act constituting Certain buildings County Jails was read 1st and 2d time and rules suspended the bill considered engrossed read 3d time and Mr Beach offered the following Amendments

Add to Sec 1.

"But the aggregate amount paid in the purchase or construction of such buildings away from the County seat of said County shall not exceed seven thousand dollars

On motion of Mr Saunders the Bill was re-committed to Members from Deer Lodge Co

H.B. 93.

"Authorizing Probate Judge of Deer Lodge County to Convey certain property" was read 1st & 2d time and on motion of Mr Forbis the rules were suspended the bill read 3d time and passed by the following vote:

Ayes- Beach, Boardman Boyer Brooke.
Combs Comiek Edwards Fergus Forbis
Hamilton Harrington Marion
McElroy Mood Noyes Perkins
Robinson, Sanders. Stuart. Sweeney
Thorp. Wilson Mr Speaker.

Nays None

Absent-Barbour McCormick
Stull.

Title agreed to

H.B 94

An Act. concerning certain "Nuisances" was read 1st and 2d time and referred to Judiciary Committee

County Clerks" was read a 3d time & Mr Hamilton moved to suspend the Rules and recommit the bill. which motion was lost: and the Ayes & noes being called the bill passed by the following vote

Ayes– Beach Boardman Boyer Brooke
Combs Cornick. Edwards Fergus Forbis
McCormick McElroy. Mood Perkins
Robinson Sanders ~~Steele~~ Stuart:
Sweeney 16

Noes– Hamilton Harrington. Marion.
Noyes. Thorpe. Wilson Mr Speaker 7

Absent Barbour Steele

Title agreed to

The Enrollment Committee reported as follows.

Mr Speaker:
Your Joint Committee on Enrollment beg leave to report: that

H.B. No 12.
An Act: prescribing a bounty for the destruction of certain animals

H.B. 35.
"An Act. to amend an Act concerning Crimes and punishments."

H.B. 27. "An Act to repeal an Act prohibiting sale of liquor to Indians.

H.B. 48
An Act to provide for keeping the Records of the District Courts at the County seats of the Counties where such Courts may be held

H.B. No 62.
"An act to consolidate offices"

H.B. 74 "An act limiting compensation in certain cases."

Also -
C.B. No 29
"An act to provide for the Codification of the General Laws of Montana Territory"

C.B. 28.
"An act to correct reference to section of the Code of Civil procedure."

C.B. No 7.
"An act to prevent the trespassing of animals on private property"

C.B. No 23
An Act to amend an Act providing for the collection of revenue

C.B. 14
"An act to provide for the keeping and maintaining of Territorial convicts in the U.S. Penitentiary at Deer Lodge"

Also
C.B. No 27
"An act to repeal Sec 6 of an act to provide for the collection of revenue approved Jany 12. 1872. were delivered to the Governor at 8 o'clock P.M. Feby 18 1879
Forbes.

H.B. 53
"An act in relation to fees of Sheriffs" was read 3rd time, and Mr Forbes moved to indefinitely postpone which motion was lost by the following vote:

Ayes - M Barbour, Carr, Forbes, [illegible]

Noes - Beach Boardman Boyer Brooke.
Combs Edwards Fergus Harrington
McCormick Mood Perkins Sanders.
Stuart Sweeney Thorpe

The Ayes & Noes were then called on the final passage of the bill when the following members answered aye as their names were called

Beach Boardman Boyer Brooke
Combs Edwards Fergus Harrington
McCormick Mood Perkins Sanders.
Stuart Sweeney Thorpe 11

Those voting no were

Barbour Cornick Forbis Hamilton
Marion McElroy Noyes Robinson
Wilson Mr Speaker.

Title was agreed to

H B 68.

An act regulating the fees & duties of Co. Commissioners was read 3d time and Mr Sanders moved the rules be suspended and the bill recommitted which motion was lost and the bill was passed by the following Vote

Ayes - Barbour. Boardman Boyer Brooke.
Cornick. Forbis. Hamilton. Marion.
McElroy. Mood Noyes. Robinson
Stuart Sweeney. Wilson Mr Speaker 16

Noes - Beach Combs Edwards. Fergus.
Harrington. McCormick Perkins.
Sanders Thorpe 9

Title was agreed to.

On motion of Mr Sanders the House

took a recess until 2 o'clock P.M.

2 o'clock P.M.

House resumed.
Speaker pro tem in the Chair.

Roll called - Quorum present

Mr Sweeney moved a call of the house

On motion of Mr Sanders further proceedings under the call was dispensed with

Committee of conference on C.B. 1 "A Bill for an act concerning limitation" reported as follows:

Mr Speaker:
Your Conference Committee on the disagreeing votes of the two Houses on on C.B. No 1 "A Bill for an act concerning limitation" has met the conference Committee of the Council and had a full and free conference thereon.
Your Committee recommend in deference to the desire of the Council that the following be added as Section two of the Bill
And as "amended" that the Bill do pass. Like recommendation will be made to the Council by the Conferees therefrom
All of which is respectfully submitted

Sanders
Hamilton

Amendment recommended by the Committee was as follows:

Sec. 2d The time limited by Sec 44 of An act entitled "An act to provide a Cod of civil procedure in the Territory of Mo approved Feby 16th 1877 as to course of Action defined in subdivision three of said Sec is hereby prolonged one year but if any account or other liability mentioned in said subdivision three has heretofore accrued the time which has elapsed from the time the same became due up to the time of the passage of this act shall be counted as part of the three years of limitation thereof but nothing in this act contained shall be interpreted or held to ~~secure~~ revive any claims which had been barred by the operation of said section and in all other respects this statute shall be qualified and interpreted as if it had been a part of said Sec 44 at the time the same was passed

On motion of Mr Sanders the amendments reported by the Conference Committee were adopted

The following Message was received from the Council.

Mr Speaker:

I am directed by the Council to inform the House, that

Sanders introduced

C.B. 44. "An Act to prevent unlawful interference with private rights and private property."

The following have passed the Council and are transmitted.

H.C.R.6 Tendering thanks to General Brisbin

Act concerning the appropriations of Moneys collected for Licenses or other Taxes" with further amendments annexed.

C.B. 43. Title amended to read "An act to provide additional compensation to the Territorial Treasurer for services to be rendered as Ex-officio Superintendent of Public instruction."

That H.B. 78 "An act to amend an Act entitled an act to amend an act to facilitate the conviction of Robbers" was lost

Respectfully
Harry R Comly
Chief Clerk

Mr Forbis moved that House do not concur in Council Amendments to H.B. 33 and that Council be requested to recede which motion prevailed.

C.C.R. 6 tendering thanks of Legislative Assembly to Genl Brisbin was read and adopted

Engrossment Committee reported as follows.

Mr Speaker:
Your Comt on Engrossment have examined and find correctly engrossed.

Substitute for H.B. 4. An act to provide for Estrays

And
H.B. No 83. an act to protect Bison in certain Counties in Montana Territory

Harrington

H.B. 20 An Act concerning foreign Incorporations being upon its final passage

Mr Brooke moved a suspension of the rules which motion was lost and the ayes and noes being called [illegible]

Barbour. Boardman. Combs. Cornick
Forbis. Marion. McCormick. McElroy.
Noyes. Sanders. Stuart. Sweeney. Thorpe.
Mr Speaker: 14

Noes Beach. Boyer. Brooke. Edwards.
Fergus. Hamilton. Harrington. Perkins.
Robinson. Stull. Wilson. ~~Perkins~~ 14

Title was agreed to

Mr Forbis moved a reconsideration of the vote which motion was on motion of Mr Sanders laid upon the table

The Enrollment Comt reported as follows:

Mr Speaker:

Your Joint Comt on enrollment beg leave to report that it has examined & compared the following bills and resolutions and find the same correctly enrolled.

C.B. No 29 An act to Incorporate the Town of Butte

also

H.B. 43. An Act to provide for the payment of certain expenses.

Also H.B. 24. "An act to establish and regulate the fees of Assessors."

H.B. 45 An Act authorizing assessors to apoint deputies.

Also

H.J.R. No 5 "referring to information concerning Montana."

Forbis

that he was [illegible]

Assessors to appoint deputies

Also

H.B. 43. An act to provide for the payment of certain expenses.

also

H.J.R. 5 referring to information concerning Montana

The following message was received from the Secretary of the Territory

Hon. Samuel Word

Speaker of the House of Representatives

Sir:

The following telegram is transmitted for information

Washington D.C. Feb. 19. 1879

James H. Mills.

Legislative salaries restored for this session. Deficiency will be provided

(Signed) Martin Maginnis

While I will be unable, under my instructions and the appropriation, to pay at present more than the $4.00 per day as per decission of the Honorable First Comptroller of the Treasury dated Dec. 18th 1878. it seems clear members will receive eventually $6.00 per day

I am Very Respectfully

James H. Mills Secy.

H.B. 64. An act fixing the rate of toll for grinding grain was read a 3rd time and passed by the following vote

Ayes - Beach. Boardman. Boyer. Brooke. Combs.
Comick. Edwards. Fergus. Forbis. Hamilton.
Harrington. Maxon. McCormick. Mead.
Noyes. Perkins. Robinson. Steell. Stuart.
Wilson. Mr. Sp. 21

H.B. 50 An Act defining the qualifications of Members of the Legislative Assembly was read a 3rd time and lost by the following vote:

Ayes- Boyer. Edwards. Fergus. Mood. Sanders. Stull. Sweeney. 7.

Nays- Beach. Boardman. Brooke. Combs. Cormick. Forbis. Hamilton. Harrington. Marion. McCormick. Noyes. Perkins. Robinson. Stuart. Thorpe. Wilson. Mr Speaker. 17.

Absent Barbour. McElroy.

H.B. 63. An act to amend Sec 48. of the Montana School law. was read a 3rd time and passed by the following vote

Ayes- Beach. Boardman. Boyer. Brooke. Combs. Cormick. Edwards. Fergus. Forbis. Hamilton. Harrington. Marion. McCormick. Mood. Noyes. Perkins. Robinson. Sanders. Stull. Stuart. Sweeney. Thorpe. Wilson. Mr Speaker.

Noes - None.
Absent Barbour. McElroy.

Title was agreed to.

On motion of Mr Thorpe H.B. 65 An Act to amend Sec 3 of An Act to authorize the holding of County Teachers Institute was recommitted to the Comt. on Education and Labor.

H.B. 55. An act to amend an act entitled an act to provide a code of civil [illegible] of Montana

Ayes - Beach Boardman. Boyer. Brooke. Combs
Comick Edwards Fergus. Forbis. Hamilton
Harrington Marion. McCormick Mood. Noyes.
Perkins. Robinson Sanders. Steele Stuart-
Sweeney. Thorpe. Wilson Mr Speaker.

Noes None-
Absent Barbour. McElroy

Title was agreed to

H.B. 69. An Act prescribing the duties of certain officers & prescribing a penalty for the non-performance of their duties was read a 3d time & passed by the following vote:

Ayes - Beach. Boardman Boyer Brooke. Combs.
Comick Edwards. Fergus Forbis. Hamilton
Harrington. Marion McCormick. Noyes.
Perkins Robinson. Sanders. Steele Stuart-
Sweeney. Thorpe Wilson Mr Speaker.
Noes None,
Absent Barbour. McElroy Mood.

Title was agreed to.

H.B. 19. An Act to encourage Steamboat navigation on the upper Missouri river was read a 3d time and Mr Steele moved its indefinite postponement upon which the Ayes and Noes were called and the motion prevailed by the following vote:

Ayes - Beach. Edwards. Fergus Hamilton Harrington
Marion McElroy. Noyes. Perkins Robinson
Sanders. Steele Stuart- Sweeney. Thorpe.
Wilson 16.
Noes - Boardman Boyer Brooke. Combs Comick
Forbis. McCormick Mr Speaker 8
Absent Barbour ~~Boardman~~ Mood

by Deer Lodge Co of certain expenses incurred during the Nez Perce war of 1877 was read a 3d time and passed by the following vote

Ayes Boardman Boyer Brooke Combs Cormick Edwards Fergus Forbes Hamilton Harrington Marion McCormick McElroy Noyes Perkins Robinson Skull Stuart Thorpe Wilson Mr Speaker.

Noes None.
Absent Barbour Beach Mood Sanders Sweeney.

Title was agreed to

HB 67 An Act to promote the fishing interests of Montana Ter.
Was read a 3d time and lost by the following vote:

Ayes - Boardman. Brooke Cormick Fergus Marion McCormick Noyes. Sanders. Stuart. Mr Speaker. 10

Noes - Boyer. Combs. Edwards Forbes. Hamilton Harrington McElroy Perkins Robinson Thorpe. Wilson 11

Absent. Barbour. Beach. Mood Skull Sweeney.
Mr Sanders. gave notice of a motion to reconsider the vote

HB 70 An Act to amend Chap. 6 of the Laws of Montana Ter. was read a 3d time and passed by the following vote:

Ayes- Beach Boardman Boyer Brooke Combs
Comick Edwards Fergus Forbis Hamilton
Harrington Marion McElroy Noyes
Perkins Robinson Sanders Stuart
Thorpe Wilson Mr Speaker. 21

Noes None.
Absent Barbour McCormick Mood Steele
Sweeney

Title was agreed to

By leave of the House Mr Brooke introduced H.B. 95
"An Act to encourage the manufacture of Sugar in the Territory of Montana"

On motion the House adjourned.

Samuel Word
Speaker House Representatives

Attest Jas E Kanouse
Chief Clerk.

Thirty Ninth Day

House of Representatives
Feby 28th 1879.

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called — Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Governor.

Territory of Montana
Executive Department
Helena Feby 2[illegible] 1879

Hon Samuel Word
Speaker of the House of Representatives

Sir: I have the honor to return H.B. 27. Entitled an act to repeal an act prohibiting the sale of liquor to soldiers.

The Government of the United States has sent a portion of the Army into Montana, and maintains the same here for the protection of the citizens from Indian depredations.

I do not think that protection can be made effective by authorizing the sale of intoxicating Liquors to soldiers, thereby destroying the discipline of the Army and rendering it unable to [illegible]d the protection to our people that [illegible] liberal government intends to [illegible] yes.

protection that we should by every legitimate means in our power aid and *assist* in preserving the discipline of the troops serving in the Territory.

By authorizing the sale of liquor to soldiers every Military Reservation in the Territory may be surrounded by whiskey shops, and the troops demoralized by intoxication. The Officers of the Army as well as the Government will thank the people of the territory for any law that will prohibit the sale of intoxicating liquors to Soldiers.

It may be claimed that the law should be repealed because it is not strictly enforced, but that is no reason for its repeal. I am informed that the law has been enforced and with good effect on the discipline of the troops.

I cannot assent to the repeal of the law, and the bill is returned for reconsideration.

Respectfully
B. F. Potts

Sanders moved to reconsider the vote by which H.B. 27 was passed, which motion prevailed and the question being shall this Bill pass the objections of the Governor to the contrary notwithstanding the bill was lost by the following vote

Ayes - Barbour Comick Hamilton Marion McCormick McElroy Noyes Perkins Steell Sweeney. 10

Nays - Beach Boardman Boyer Brooke Combs Edwards Fergus Forbis Harrington Mood Robinson Sanders Stuart Thorpe Wilson Mr Speaker. 16

Mr Speaker [illegible] [illegible] [illegible]
to sign C B 5 A [illegible] to [illegible] the

Ways & Means reported as follows.

Mr Speaker:

Your Committee on Ways & Means to whom was referred H.B. No 84. "An Act to provide for the outstanding indebtedness and the redemption of the same under consideration and beg leave to report it back with the following amendments

Amend Sec 1 by striking out the words "the rate of" in lines 8 & 9 & insert in lieu thereof the words "a rate not exceeding"

Also amend Sec 2. by inserting ~~before~~ after the word "sealed" in line 6 the words "by the Secretary with the seal of the Territory" Also Amend by striking out Sec 10 of the bill. With these Amendments your Committee recommend that the bill do pass

McCormick
Chairman

Amendments reported were adopted and Bill ordered engrossed

Ways & Means Committee reported as follows

Mr Speaker:

Your Comt. on The Ways & Means to whom was referred Substitute for H.B. No 2 "An Act to provide for the bonding of the floating debt" and for the re-funding of the bonded debt of Missoula Co and for other purposes" have had the same under consideration & beg leave to report the same back with the following Amendments to wit

the following in lieu thereof.
The County Commissioners of Missoula County are hereby authorized and empowered to issue on the credit of said County Coupon Bonds to an amount sufficient to enable them to redeem the overdue fifteen (15) per cent-bonds of said County with the accrued interest thereon which said bonds shall be redeemable at the pleasure of said County after (15) fifteen years from this date.

~~out the~~ Amend section by striking out the words and figures fifty (50) in line 1 printed copy also strike the figures "7 3/10" in line 2 and insert in lieu thereof the words six.

Amend Sec 3 by striking the words and figures "seven and three tenths 7 3/10" in line 3 and insert in lieu thereof the word six" Strike out all of line five after the word thereon" also all of line six to the word provided" and in line seven strike out the words "and ten"

Also amend by striking out all of Sec 3. after the word "bonds" in line (7) seven. Also amend Sec 6. by inserting after the word "upon" in line ten of said Sec the words "the ten per cent bonds" and also amend Sec 6 by inserting after the word "act" in line (15) the words "and the ten per cent bonds" also amend said Sec by inserting after the word act in line (18) the words "and the ten per cent bonds of ~~line~~ said County" Also amend by inserting after word "seven" in said lines the words with the interest thereon" Also strike out all of line 18.19.20.21 & 22 after the word "invested in" said line 18 and in lieu thereof the [illegible]

Ninth. For the payment of outstanding warrants on the contingent fund not to exceed one-half (1-2) mill on the dollar

Tenth – For the payment of outstanding warrants on the road & bridge fund not exceeding one half (1-2) mill on the dollar.

Eleventh –

For the payment of outstanding warrants on the poor fund not exceeding one half (1-2) mill on the dollar

Twelfth –

For the payment of outstanding warrants on the general fund not exceeding one half (1-2) mill on the dollar

Thirteenth –

For the payment of outstanding warrants on the road fund not to exceed one-half (1-2) mill on the dollar.

Amend Sec 8 by striking out all of said section after the word "Act" in line four of said Section.

Also amend Sec 9 by striking out the word "the" after the word "and" in line one and insert in lieu thereof the word sixty. Also amend by adding the following to Sec. 9. and the residue of said License tax shall be placed to the credit of the General fund.

Amend Sec 12 by striking out all of line two after the word "Due" in said line and all of line three up to and including the figures "1877"

Also amend [illegible] Sec by striking out

Said Sec by striking out all of line "ten" after the word "thereon" also all of lines 11. 12 13. and to and including the word "date" of line 14. also strike out the word "five" in line 14 and insert in lieu thereof the word "six".

Also Amend said Section by striking out all of line 15 after the words bonds and all of line 16 up to and including the word "warrants" also amend Sec 13 by striking out all of line 8 after the word value in said line and all of line 9 of said section

Strike out Sec 16 and number the subsequent Sec accordingly

Strike out Sections 18 & 19.

With these amendments your Committee report the bill back to the House with the recommendation that it be considered in Committee of the Whole House

McCormick
Chairman

On motion of Mr Sweeney the Bill was referred to a Select Committee of Members from each County

Mr Speaker designated as such Committee Messrs Beach. Mood. Hamilton Comick Brooke. Thorpe McCormick Barbour Marion Steele Edwards.

The following Communication was received from the Governor.

Territory of Montana
Executive Department
Helena Feby 19 1879

Hon Samuel Word
Speaker of the

to return to the House of Representatives without my approval H.B. No 74

Entitled An Act limiting compensation in certain cases.

The first reading of this Bill would naturally leave the impression that it is personal in its character. But when we reflect that it emanated from a gentleman of high character, who is entirely free from malice ill will, or personal pique & who never forgets the obligations of his oath, and is entirely unselfish in all act and that its other supporters are alike free from the charge of using their official position for personal ends, this impression is at once removed

From the foregoing considerations we are compelled to assume that some high object is to be obtained by the enactment of the measure. Can that object be discovered by a careful consideration of the bill: Have the officers heretofore appointed by the Executive with or without the consent of the Council been faithless to the trust imposed? Has the Territory lost a single penny by the faithlessness of a territorial Officer appointed by executive authority?

Their acts have been carefully examined by every Legislative Assembly since 1871. and no loss to the people has been discovered.

Can as much be said for the Territorial officers elected by the people in 1868, or for the management of affairs in the several Counties by officers elected by the people? Is it evidence of incompetency or faithlessness on the part of the Territorial officers appointed by tive authority that the dollar to one and one half per cent premium & the interest on Territorial bonds reduced one third — from 15 per cent per annum to 10 per cent per annum under their management all all this his been accomplished with a levy for territorial purposes of one fourth less than when Territorial affairs were managed by Officers elected directly by the people & notwithstanding the reduction of the levy for Territorial purposes, and the additional cost to the Territory of the maintenance of over thirty insane persons & more than twenty additional convicts. the recent territorial management has been gradually liquidating the debt of the Territory

With such a record as this for territorial Officers appointed by Executive Authority. I cannot believe that such legislation was suggested by any malfeasance on the part of any of said Officers.

I cannot believe that because no nominations have been made for the offices of Territorial Auditor and Territorial Superintendent of Public Instruction that such a bill was deemed necessary for upon reflection members will remember that a notice was given in the Council early in the Session that a bill would be introduced for the consolidation of the two offices aforesaid: and some weeks since a like notice was given in the House of Representatives & finally a bill was introduced and passed.

Now: had nominations for these offices, pending this legislation been made I would have been charged with attempting to frustrate legislation upon the subject. I preferred that no act of mine in this or any matters before the Legislature should be so construed as an attempt on [illegible] to control matter than that every member should be perfectly free to act on his own individual judgment upon all questions & I claim & will exercise the same privilege to the fullest extent.

The bill is objectional because it gives the Governor the power to force the Council to confirm an objectionable man or create a vacancy that will suspend the operation of the Territorial government.

I cannot believe that the bill received the careful consideration of the Legislative Assembly or no such dangerous power would have placed in the hands of the Governor.

I therefore return the Bill to the Legislative Assembly for its further consideration trusting that the objectional features of the bill will be apparent to every member and that upon reflection the Council may not be placed in such unfortunate dilemma as to be compelled to except objectionable men for Territorial officers.

Respectfully
B F Potts,

Mr Sanders moved to reconsider the vote by which H B 74 was passed which motion prevailed & the question being shall this bill pass the objections of the Governor to the Contrary notwithstanding the bill was passed by the following vote

Ayes. Beach. Boardman Boyer Brooke
Combs. Cornick Edwards. Fergus
Forbis. Hamilton Hannington
Marion McElroy Mood Noyes.
Perkins Robinson Sanders Steele
Stuart Sweeney Thorp Wilson

Noes - Barbour McCormick 2

On motion of Mr Sanders C.B. 43 An Act to provide additional compensation to the Territorial Treasurer for services to be rendered as Ex Officio Supt of Pubic Instruction" was taken up Read 1st & 2d time Rules suspended considered engrossed & passed by the following vote

Ayes' Beach Boardman Boyer Brooke. Combs. Cormick Edwards Fergus Hamilton Harrington Marion McCormick McElroy Mood. Noyes. Perkins. Robinson. Sanders Stull Stuart Sweeney Thorpe Wilson Mr Speaker,

Noes Barbour

absent: Forbis.

Title agreed to

The following Message was recd from the Council

Mr Speaker:

I am directed by the Council to inform the House, That

Council Substitute for H.B. 17 An act to establish the fees of District attorneys.

H.J.M. 12 "In regard to Public Highways from mouth of Big Horn River to Henrys Lake"

H.B. 77. "A Bill for an act to establish a public Highway in township 11 County of Lewis & Clark (under suspension of rules) C.B. 21 An concerning Fire Insurance Companies & agents have passed the Council & are transmitted

That

C.B. 41 "An act to encourage the manufacture of sugar in the Territory of Montana" was lost

Respectfully

R Comly

C C

The Judiciary Comt. reported as follows

Mr Speaker:
Your Judiciary Committee to which was referred H.B. No 7 an Act to tax Jury fees have considered said bill & herewith submit an amendment without recommendation.

J. Robinson
Chairman

The amendment reported was as follows:

Strike out after the enacting clause & insert as follows

Sec 2.
That for every case tried by a Jury in the District Court there shall be taxed as part of the cost & when collected paid into the Treasury of the County in which such Court is held a Jury fee of three Dollars for each Juror empanelled to try said case which shall be placed to the credit of the general fund of said County.

The amendment was adopted.

Mr McCormick moved to amend as follows "except in the County of Missoula it shall be paid into the current expense fund". Amendment was adopted & the bill ordered engrossed

The Engrossment Comt. reported as follows

Mr Speaker:
Your Comt. on
have examined & find
H. A. Bill for

School District No 7 in Gallatin County Montana Territory

Harrington

The Comt. on Towns & Counties reported as follows.

Mr Speaker: Your Committee on Towns & Counties beg leave to report that it has examined & considered
H.B. 56. "An act Amending the Townsite Law" & reports the same back without recommendation

Forbis
Chairman

The bill was ordered engrossed.

Mr. Robinson reported as follows

Mr Speaker!

The Committee on Corporations to which was referred H B 79 "a Bill for an Act to provide for the incorporations of religious & other associations" beg leave to report that it has considered said Bill & recommend that the same do pass

Robinson
Chairman

Mr Thorpe moved a suspension of the rules that the bill be considered engrossed read 3rd time & placed upon final passage which motion prevailed. the bill was so read & passed by the following vote.

Ayes - Barbour. Beach Boardman Boyer Brooke
Combs. Cornick Edwards Fergus. Forbis
Hamilton Harrington. Marion
McCormick McElroy Mead Noyes Perkins
Robinson Sanders Steell Stuart
Sweeney Thorpe Wilson Mr Speaker
Noes, None

Titl

The Judiciary Comt reported as follows:

Mr Speaker:

The Judiciary Comt to whom H B 25 ~~was~~ committed. An act to amend an act in relation to irrigation & water rights with Council Amendments thereto beg leave to report that it has considered said bill with such Amendments & recommend that the House Concur in said Amendments.

Robinson
Chairman

Subs recommended was adopted the rules were suspended. the same read a 3d time & passed by the following vote

Ayes— Barbour. Boardman. Boyer
Combs. Cornick. Edwards.
Hamilton Harrington Marion.
McCormick McElroy. Noyes.
Perkins. Robinson Sanders. 15

Noes— Beach. Fergus. Wood. Steele
Stuart. Sweeney. Thorpe
Wilson Mr Speaker. 9

Absent: Brooks & Forbis.

Title was agreed to

On motion Mr Robinson House took recess until 2 o'clock P.M.

2 o'clock P.M.

House resumed Mr Speaker in the Chair. Roll Called Quorum present—

The Ways & Means Comt: reported as follows

Mr Speaker!

Your Comt: on Ways & Means to whom was referred H.B. 52. An Act to amend an Act concerning Licenses: beg leave to report that we have examined the same and would recommend the following. strike out the second subdivision in Sec 1 and insert in lieu thereof the following

Second. From the manager or lessee of every Theater. Two dollars per day or fifteen dollars per Month. or Thirty dollars per quarter. & for each exhibition of opera or Concert Singer Minstrels variety troupe sleight of hand performances. legerdemain and also other shows or Exhibitions (Except exhibitions & concerts for school or charitable purpose) a license of five dollars per day shall be exacted

Amend third subdivision by adding after the word women in first line the words "dance or"

Amend fourth subdivision by striking out all of said subdivision after the word "of" in third line & insert in lieu thereof the following, to wit: Ten dollars per quarter for each company represented by said Agent

After the seventh subdivision add the following to wit:

For each Stallion [illegible]

Kept for services

Also add thirteenth subdivision of said act & amend "by renumbering it"

Ninth amend to read as follows to wit: Every keeper of a picture Gallery daguerreotypist photographist or other artist shall pay a license tax of ten dollars per Quarter or five dollars per month

McCormick

Mr Sanders moved to amend amendment as follows: Strike out "Two dollars" & insert one dollar in lieu thereof amendment was adopted

Mr Hamilton moved to amend amendments reported by striking out all that portion relating to Insurance agents & Companies

The amendment was adopted

Mr Forbis moved to amend 9th Amd. reported by striking out all after words "tax of" & insert in lieu thereof the following: Twenty dollars per Year or two dollars per month which Amd was adopted.

Mr Fergus moved to amend by striking out three lines in Amds reported after words "to wit."

As so amended the amendments reported were adopted & the bill ordered engrossed.

The Committee on Territorial Affairs reported as follows;

Mr Speaker! Your Comt on Territorial to whom was referred H B certain Officers to report under a penalty & to provide for certain printing having had the same under consideration would report the same back to the House with the recommendation that it do pass

Sweeney
Chairman

On motion of Mr Forbes the Rules were suspended the Bill considered read 3d time and passed by the following vote

Ayes - Boardman Boyer Fergus Forbes Hamilton Harrington McElroy Noyes Perkins Stuart Sweeney Wilson Mr Speaker 13

Noes - Sanders
Absent Barbour Beach Brooke Combs Cornick Edwards Marion McCormick Mood Robinson Steell Thorpe 12

Title amended to read "An Act requiring Certain Officers to report"

The Committee on Grazing & Stock growing reported as follows

Mr Speaker:
A majority of your Committee on Grazing & Stockgrowing to whom was referred H B 82 has had the same under consideration and respectfully report the same back with recommendation that it do pass

Brooke
Fergus
Perkins

On motion of Mr Sanders the Rules were suspended the Bill considered engrossed & filed for 3d re

The Committee on Grazing & Stock growing reported as follows

Mr Speaker:

Your Comt on Grazing & Stock Growing to whom was referred C.B. 33 "An Act to provide for printing Marks & Brands" herewith submit the accompanying amendments and recommend that ~~with~~ with the amendments the bill do pass.

Brooke
Chairman

The amendments accompanying the report was as follows:

Amend by striking out the word Auditor wherever it occurs in the bill & inserting the word Treasurer

Also Amend by striking out all of Sec 4 & inserting. The Treasurer is hereby authorized to expend the sum of sixty dollars or so much thereof as may be necessary in procuring engrossed copies of the brands placed on record for publication, and said copies shall remain the property of the Territory to be used in printing said marks & brands, And the Auditor is authorized to issue his warrant for the amount so expended, not to exceed the sum of sixty dollars.

Also amend by adding

Sec 5 The Recorder of Marks & Brands shall not record any two like brands if upon the same places on the animal

The Amendments reported were adopted &

The Committee on Education & Labor reported as follows:

Mr Speaker:

Your Comt. on Education & Labor to which was referred H.B. 65. A Bill for an act to amend Sec 3 of an act to authorize the Holding of County Teachers Institutes, would report the same back to the House with the recommendation that an additional Sec. be added to the bill which is hereby transmitted

Thorpe
Chairman

The amendments reported was adopted & the bill ordered engrossed

The Comt. on Education & Labor reported as follows:

Mr Speaker

Your Committee on Education & Labor to which was referred H.B. 88

A Bill for an act to establish and regulate the fees of County Superintendents of Common school would beg leave to report that they have had the Bill under consideration & herewith transmit the same back to the House without recommendation

Thorpe
Chairman

On motion of Mr Sanders the Rules was suspended the Bill considered engrossed & fixed for 3d reading

The Comt. on Election reported as follows:

Mr Speaker:

Your Committee on Elections to whom was referred C.B. 31 a bill an Act to prov [illegible] the to report the same back with the accompanying amendments with the recommendation that the same be adopted & do pass

Beach
Chm

Amendments reported were adopted & ordered Engrossed

The Committee on Territorial Affairs reported as follows:

Mr Speaker
Your Comt on Territorial Affairs to whom was referred communication of His Excellency the Governor having had the same under consideration would report as follows.

Your Comt is of the opinion that while a Territorial Hospital would be beneficial to those who probably will have to be supported by the Territory for several years

Your Committee cannot see where any financial benefits would be gained by the different Counties when the cost of transportation is taking into consideration in connection with those unfortunate creatures. There is also many cases where the parties could not stand the hardships of a long and tedious journey & consequently would have to remain in the County in which they had been afflicted

Your Comt therefore return the communication without action

Sweeney
Chm

Amend by striking out all after the ting clause & insert the following in lieu thereof

Sec 1. That all persons who do not pay an advalorum tax in the Territory of Montana shall be required to show to the Judges of election before they shall be entitled to vote at any general election a receipt to the effect that they have paid their special poor & road tax for two years next preceding such Election or make oath to the effect that they have so paid the same

Sec 2 This act shall not apply to such persons as have not resided in this Territory six months next preceding such Election

Sec 3 All acts and parts of acts contrary to the provisions of this act are hereby repealed

Committee on Agricultures & Manufactures reported as follows:

Mr Speaker:

Your Comt of Agriculture & Manufactures to whom was referred H.B. 89 An Act in relation to fence beg leave to make the following report - That we have had the same under consideration & recommend that Sec 1 and 7 be stricken out & the remaining section be renumbered 1-2-3-4-5-6. & as so amended Your Committee recommend that the bill do pass.

All of which is respectfully submitted

Mood
Chm

The Amendments reported were adopted & the bill was ordered engrossed

Ways & Means Committee reported as follows

Mr Speaker:

Your Comt on Ways & Means to whom was referred Council Bill 30 "An act to amend Sec 10 of an act Concerning Licenses" beg leave to report that they have had the same under consideration & are led to believe that passage of the said bill will encourage an industry in our Territory that will be directly beneficial to a large portion of our people in that it looks towards opening a Market for a portion of the Agricultural products of our Territory & your Committee would therefore recommend that the bill do pass.

All of which is respectfully submitted

McCormick
Chm

Also as follows.

Mr Speaker

Your Comt of Ways & Means to whom was referred H.B. 87 "A Bill for An Act Concerning Licences" beg leave to report that they have the same under consideration & recommend that it do pass.

Respt submitted
McCormick
Chm

On motion of Mr. Sanders the Rules were suspended bill considered engrossed & filed for 3d reading

Ways & Means Comt reported as follows

Mr Speaker:

Your Comt of Ways & Means to whom was referred H.B. 80 A Bill for an Act to amend an Act entitled an Act providing for the collection of revenue approved June 12, 1872 beg leave to report that they have had the same under consideration & earnestly recommend its passage

Respectfully Submitted
McCormick
Chm

On motion of Mr Sanders the Rules were suspended Bill considered Engrossed & filed for 3d reading

Mr Robinson reported as follows:

Mr Speaker

The Select Comt to which was referred H.B. 92 beg leave to report the substitute herewith which said Comt recommend do pass

Robinson
Chm

Substitute was adopted On motion of Mr Sanders the Rules were suspended Bill considered Engrossed & read 3d time & passed by the following vote

Ayes. Barbour Boardman Combs Cormick Fergus Harrington Noyes Robinson Sanders Stuart Sweeney Mr Spr [illegible]

Ayes: Beach. Brooke. Edwards Hamilton
McElroy. Mood. Perkins. Steele
Wilson

Absent: Boyer Forbis Marion McCormick
Thorpe

Title was agreed to.

Ways & Means Comt. reported as follows:

Mr Speaker:

Your Comt. of Ways & Means to whom was recommitted H.B. 32 "An act for ~~the~~ relief of W. F. Sanders & W. E. Cullen beg leave to make the following report. that they have carefully considered the same & recommend that the bill be amended as follows

Strike out "five hundred" when it occurs in the bill & insert in lieu thereof "two hundred" & as so amended your Comt recommend that the bill do pass.

Resp submitted
McCormick

The amendments were adopted & the bill was ordered engrossed

Judiciary Comt. reported as follows

Mr Speaker:

The Judiciary Committee to which was referred H B 57 Bill for an Act to amend An Act entitled an Act Concerning Crimes and Punishm
beg leave to report that it has considered said bill a
recommend that it be amended as follows..
Strike out of Sec 3 the words "three fourths blood" wh
rever and in lieu thereof insert the w

word "shall" in line 17 of said section and in lieu thereof insert the words "may in addition to such fine".
Amend Sec 4 by adding thereto as follows. Provided that the repeal of said section shall not be so construed as to in any way interfere with the conviction and punishment of any person charged or that may be charged with a violati of any of said section. and provided further that any person convicted of a violation of any said sections shall be punished as provided in said section as amended.
Amend Sec 5 by inserting after the word "law" the words "or by his direction". Also Strike out the words "One hundred" and in lieu thereof insert the word "ten" also strike out the word "three" and in lieu thereof insert the word "one".
And strike out all of said Section after the words "three hundred dollars". Amend Section Six by striking out the word "shall" in line 15 of the 2d page of said Section and insert word "may" in lieu thereof and as so amended said committee recommend that said bill do pass.

Mr Sanders moved to amend amendment by striking out Section 3 of the Bill which motion prevailed. amendments were adopted and Bill ordered engrossed.

The following message was rec'd from the Council

Mr Speaker;
I am directed by the Council to inform the House that:
The Council reconsidered H.B. 74 An Act limiting compensation in certain cases and the bill passed the Governors objections to the contrary notwithstanding two thirds of the Council voting therefor & the Bill is transmitted
Respectfully
Harry R Comly
Chief Clerk

The Judiciary Comt reported as follows

Mr Speaker:
The Judiciary Comt to which was referred H.B. 46 bill for an Act to regul
[illegible]

Courts & of Public Administrators beg leave to report the same back without recommendation

Robinson
Chmn

The Printing Comt. reported as follows.

Mr Speaker:

Your Comt. on printing have examined & find correctly printed H.B. 90 a Bill for an Act to define Assessable property

Harrington

The Bill was referred to the Comt. on Ways & Means.

Engrossment Comt. reported as follows

Mr Speaker:

Your Comt. on Engrossment have examined & find correctly Engrossed H.B. 56 an Act amending the Town Site law

Harrington

Mr Sweeney reported as follows.

Mr Speaker:

Your Comt. consisting of the Members from Helena to whom was referred H.B. 38 Entitled a Bill for an Act to amend the Helena Incorporation Act beg leave to report the same back to the House with the accompanying Substitute & Your Committee would recommend that the said substitute do pass

Sweeney
Chmn

Substitute reported was adopted. On motion the Rules were suspended. Bill considered engrossed, read 3d time & passed by the following vote

Ayes Barbour Beach Boardman Boyer Brooke, Combs Comick Edwards Fergus Hamilton Harrington Marion McCormick Mood Noyes Perkins Sanders Steele Stuart Sweeney Thorpe Wilson Mr Speaker

Noes None.

Absent Forbis McElroy Robinson.

Title was agreed to

On motion of Mr Beach the vote by which H B 67 "An act to promote the fishing interests of M. T. was lost was reconsidered

Mr Sanders moved to re-consider the vote by which the report of & amendments recommended by the Conference Comt on C. B. 1. were adopted which motion prevailed

Substitute for C. B. 21 "An Act concerning Fire Insurance Companies & Agents" was read 1st & 2d time & Sanders moved to amend by preceding Sec 1 with these words "Be it enacted by the Legislative Assembly of the Territory of Montana" amendment was adopted & Bill referred to Committee on Territorial Affairs.

C B 40. "An act to amend an act to provide for the support & care & maintenance of the County sick & poor was read 1st & 2d time & referred to Comt on Territorial Affairs.

The following Message was received from the Council.

Mr Speaker
The following bills have passed the Council + are transmitted

Sub for C.B. 39. "An Act to enable the County Commissioners to intelligently settle with County Treasurers"

Also
C.B. 40 An Act to amend an act to provide for the support care + maintenance of the County sick + poor.

Respectfully
Harry R Comly
Chief Clerk

Also the following

Mr Speaker
I am directed by the Council to inform the House, that:
Substitute for H.B. 6 "An Act to compel butchers to record brands" has passed the Council
The Council adheres to its amendments to H.B. 33 "An Act concerning the appropriation of moneys collected for Licenses or other taxes"

Resp
Harry R Comly
Chf Clerk

Mr Beach moved that the House adhere to its disagreement to Council Amendments to H.B. 33.

H.B. 6 was ordered Enrolled

The following Message was received from the Council.

Mr Speaker I am directed by the

Council to inform the House that:

C.B. 34 "An act to encourage the construction of Artesian Wells in the Territory of Montana" has passed the Council & is transmitted

Respf.
Harry R Comly
Chf. Clerk

C.B. 34 transmitted with above was read 1st & 2d time & referred to Comt. on Territorial Affairs.

The following Message was read from the Council.

Mr Speaker:
I am directed by the Council to inform the House, that:
Sanders gave notice of the introduction of a Bill for an Act to provide compensation for the Territorial Superintendent of Public Instructions"
The following have passed the Council & are transmitted
C.J.R. 1. In relation to the appointment of a Commissioner to examine the condition of the indigent Insane of the Territory" &

Substitute for H.B 13 "An act concerning diseased Animals"
Resp
H.R. Comly
Chf Clerk

H.B 13 was ordered enrolled. C.J.R. 1. was read 1st & 2d time & referred to Committee on Territorial Affairs

The following Message was read from the Council

Mr Speaker:

I am directed by the Council to inform the House that:

The Council has concurred in House amendments to C.B. 29 "An act to provide for the Codification of the General Laws of Montana Territory, that: H.B. 86 An act to enable Meagher Co to remove the Co seat" upon suspension of the Rules was read 3rd time & passed. Title agreed to H.B. 75 "A Bill for an act in relation to Insane Convicts" upon suspension of the rules was read 3rd time & passed H.B. 42 Bill for an act to provide compensation for the Clerks of the District Courts"

Council Substitute for H.B. 23 "A Bill for an act to establish & regulate the fees of Treasurers.

C.B. 32. "An act concerning Water rights have passed the Council & are transmitted

The Council concurred in House amendments to C.J.M. 1 Asking the establishment of a Cavalry Post at Henrys Lake"

Resp.
Harry R Comly
Chf Clerk

Bills transmitted with the above were referred as follows:

H.B. 42 To Enrollment Committee
H.B. 75 " " "
H.B. 86 " " "
H.B. 77 " " "
H.J.M. 7 " " "

Mr Sanders offered the following lution which was adopted.

Resolved that the papers sent to the House from the Council accompanying H.B.17 a Bill for "an act to establish the fees of District Attorneys" without communication or statement concerning the same other than is found upon the history thereof be respectfully returned to the Council with the request that it be considered whether the same is in fact a substitute & whether it pertains to the same subject matter as the original bill & if in the judgment of the Council the same is parliamentary that the action of the Council thereon be stated officially to the House by the usual & prescribed channels

C Sub for H.B. 23 was read & on motion House refused to adopt the same & Council was requested to recede therefrom

Engrossment Committee reported as follows

Mr Speaker:

Your Comt. on Engrossment have examined & find correctly engrossed H.B. 84 a bill to provide for the funding of the outstanding indebtedness & the redemption of the ten per cent bonds

Harrington

On motion of Mr Sanders the Rules were suspended & H.B. 84 was read 3d time & passed by the following vote

Ayes— Barbour Beach Boardman. Boyer. Brooke
Combs. Cornick Edwards Fergus. Harrington
Marion Mood Noyes, Perkins. Robinson
Sanders. Steell Stuart. Sweeney. Thorpe
Wilson Mr Speaker

Noes None.

Absent Forbes McCormick Hamilton
McElroy.

refunding the indebtedness of Montana"

Engrossment Comt reported as follows

Mr Speaker:

Your Comt on Engrossment have examined & find correctly engrossed House Amendments to H B 33 An Act to provide for printing Marks & Brands

Harrington

H B 32 An Act concerning Water rights" was read 1st time & rejected

On motion the House took a Recess until 7 o'clock P M.

7 o'clock P. M.

House resumed Mr Speaker in the Chair. Roll called quorum present

H.B. 95 "An Act to encourage the Manufacture of Sugar in the Territory of Montana. was read 1st & 2d time

Rules were suspended read 3d time by Title & passed by the following vote

Ayes- Barbour Boardman Boyer Brooke
Combs Cornick Edwards
Hamilton. Marion. Mead. Noyes.
Perkins Robinson Stuart
Sweeney Wilson

Noes- Beach Fergus Harrington
McElroy. Steell Mr Speaker

Absent Forbis McCormick Sanders Thorpe

H.B. 96 An Act concerning corporations was read 1st & 2d time Rules suspended. Bill Considered Engrossed read 3d time & passed by the following vote

Ayes. Barbour. Beach. Boardman. Boyer. Brooke. Combs Cornick. Edwards Fergus Marion. McElroy. Mood. Noyes. Perkins. Robinson. Sanders. Stull Stuart. Sweeney Thorpe Wilson Mr Speaker.

Noes - Harrington

Absent - Hamilton McCormick. Forbis.

Title amended to read "An Act to regulate the election of officers of Corporations."

H.B. 97 An Act to create & improve Highways in Montana" was read 1st & 2d time & Mr Beach moved to amend by striking out "2/3" wherever it occurs in the bill & inserting "a Majority" & striking out "1/3" where it occurs & insert "less than a majority". Amendment was adopted & bill referred to a Select Committee of Members from Lewis & Clark County.

H.B. 82 "An Act in relation to the taxation of calves under one year of age" was read 3d time & passed by the following vote

Ayes - Barbour. Beach. Brooke. Combs. Cornick Edwards Forbis Harrington Marion. McCormick Mood Perkins. Sanders. Stull Stuart. Sweeney. Thorpe. Wilson Mr Speaker

Noes - Boyer. Fergus Hamilton McElroy. Noyes. Robinson

Absent Boardman

Title amended to read "A

[illegible]

H.B. 83 "An act to protect Bison in certain Counties in Montana Terry" was read 3d time & passed by the following vote

Ayes- Barbour Beach Boyer Brooke Combs Edwards Fergus Forbis Hamilton Harrington Marion McCormick McElroy Mead Noyes Perkins Robinson Sanders Steell Stuart Thorpe Wilson Mr Speaker

Noes- Boardman Cornick Sweeney.

Title was agreed to

H.B. 9 "An act in relation to Estray Horses for the benefit of Public Schools" was read 3d time & lost by the following vote:

Ayes- Boyer Brooke Combs Cornick McCormick Stuart Thorpe Mr Speaker.

Noes Barbour Beach Boardman Edwards Fergus Forbis Hamilton Harrington Marion McElroy Mead Noyes Perkins Robinson Sanders Steell Sweeney Wilson

H.B. 67 "An Act to promote the fishing interest of Montana Territory" being on its final passage was passed by the following vote:

Ayes- Barbour Beach Boardman Boyer Brooke Combs Cornick Edwards Fergus Forbis Hamilton Harrington Marion McCormick McElroy Mead Noyes Robinson Sanders Steell

Noes. Perkins

Title was agreed to

On motion of Mr Wood the House adjourned

Samuel Wood
Speaker House Representatives

Attest Jas E Kanouse
Chief Clerk.

Fortieth Day

House of Representatives
Feby 21st 1879

House met pursuant to adjournment

Mr Speaker in the Chair

Roll called. Quorum present

Prayer by the Chaplain

Journal of yesterday read & approved

Comt on Enrollment reported as follows

Mr Speaker
Your Joint Comt on enrollment beg leave to report that it has examined & compared the following bills & memorials and find the same correctly enrolled

H.B. 25 "An act to amend an act in relation to irrigation & water rights

H.B. 6 "An act to compel butchers to record brands.

C.B. 4 "An act to provide for the funding of the Bonds of Jefferson Co M.T.

H.J.M. 11 In relation to restoring a portion of the Crow Indian Reservation to the Public Domain

H.J.M. 1 "Asking the establishment of a Cavalry post at Henrys Lake to remove the County seats.

Forbis.

Mr Speaker announced that he was now about to sign H.B. 6 "An act to require Butchers to keep a records of all animals slaughtered.

Also

H.B. 25 "An act to amend an act in relation to Irrigation & Water rights".

Also

H.J.M. 11 In relation to restoring a portion of the Crow Indian Reservation to the Public Lands.

Committee on Engrossment reported as follows

Mr Speaker:

Your Comt on Engrossment have examined & find correctly engrossed H.B. 7. an act to fix Jury fees

Harrington

Also as follows.

Mr Speaker:

Your Comt on Engrossment have examined & find correctly engrossed H.B. 52 "an act to amend an act concerning License

Harrington

Select Comt on H.B. 2 reported as follows

Mr Speaker

The select Committee to which was referred H.B. 2 "an act to provide for the bonding of the floating debt & for the refunding of the bonded debt of Missoula County & for other purposes" & having had the same under consideration report the same

McCormick
H.H. Mood
E.G. Brooke
J.E. Marion
L.B. Cormick
Skull

On motion of Mr McCormick The Rules were suspended and H.B. 2 an Act providing for funding the floating debt & refunding the bonded debt of Missoula was taken up Mr Edwards moved to suspend Rules to amend the bill which motion was lost and the Ayes & Noes being called upon "Shall the bill pass" The Bill was lost by the following vote

Ayes - Barbour. Boardman. Combs. Cornick Forbes Marion McElroy Robinson Sanders. Skull Stuart. Noyes. 12

Noes - Beach Boyer. Brooke. Edwards Fergus Hamilton Harrington McCormick Mood Perkins Robinson Sweeney. Thorpe. Wilson. Mr Speaker.

Mr Speaker: announced that he was now about to sign H.B. 86 "An act to enable Meagher Co to remove the County seat:"

also C.B. 4 "An act to provide for the funding ~~defining~~ the bounds of Jefferson Co M.T.

also C.J.M. 11

Engrossment Comt reported as follows

Mr Speaker: Your Comt on engrossment examined & found correctly engrossed an act for the relief of W.F. Sanders

On motion of Mr ~~Sanders~~ Sweeney H.B. 32. reported as above was taken up read 3d time & passed by the following vote

Ayes - Barbour Beach Boardman Boyer Brooke Combs Cornick Edwards Forbis Hamilton Harrington Marion McCormick McElroy Mead Noyes Robinson Steell Stuart Sweeney Wilson Mr Speaker

Noes - Fergus Perkins Thorpe.
Absent - Sanders.

Title amended to read "A bill for an act to pay for Certain legal services"

The following Message was received from the Governor.

Territory of Montana
Executive Dept-
Helena Feb 20 1879

Hon Saml Word
Speaker of the House of Representatives
Sir:

I have the honor to return to the Legislative Assembly H B 62 Entitled An Act to consolidate offices, without my approval.

This bill seeks to consolidate the office of Territorial Superintendent of Public Instruction with that of Territorial Treasurer. This is a step back backward & Experience everywhere demonstrates that it is a serious mistake; to denominate it by no harsher term.

False economists are always ready to attack any system of free schools & they appear to think a high purpose has been accomplished if they can economize at the expense of the efficiency of [illegible]

[illegible]

want [illegible]

enveloped in superstition and prejudice or do they want to look into the sunlight of the future. filled with hope and freighted with Godlike aspirations of millions yet to be I challenge the friends of this measure to name a single State or Territory where the free school system is in successful operation but has a Superintendent of Public Instruction divorced from politics & from all other offices. and whose whole time is required in the performance of the duties of his office

I further challenge the friends of this measure to name a single educator in the land. who thinks that the school Superintendent is unnecessary.

I am opposed to any retrograde movement on this question & therefore return the bill for the further consideration of the Legislative Assembly

Respy
B F Potts

On motion of Mr Sanders the vote by which H B 62 was passed was reconsidered & the question being shall this bill pass the objections of the Governor to the contrary notwithstanding. the vote was as follows:

Ayes – Beach. Combes. Edwards Fergus.
Harrington Marin Mood. Perkins
Robinson Steell Sweeney. Thorpe
Wilson Mr Speaker: ... 14

Noes – Bilaux. Boardman Boyer Cormick
" " " [illegible] McCormick McElroy
[illegible] Stuart ... 11

Failing to receive a two thirds vote the bill was declared lost

The following message was rec'd from the Council

Mr Speaker:

I am directed by the Council to inform the House that under a suspension of the rules

Sub for H.B. 92. H.B. 83 An act to protect Bison in certain Counties in M.T.
C.B. 47 An amendment to the Code of Civil procedure in relation to the taxation of costs in Civil Cases were read 3d time & passed & are transmitted
also
H.B. 67. A Bill for an act to promote the fishing interests of Montana was lost.

Resp'y
Harry R Comly
Chf Clerk

Bill transmitted was ordered enrolled

The following Message was received from the Council

Mr Speaker:

I am directed by the Council to inform the House that:

H.B. 73. "A Bill for an act to pay certain Indebtedness".
H.B. 85 An act authorizing Surveyors & U.S. Dep'y mineral surveyors to perform certain act.
H.B. 93 "A Bill for an Act to authorize the Probate Judge of Deer Lodge County Montana Ty. to convey certain property
C.B. 44. An act to prevent unlawful interference with private rights & private property
C.B. 45 "An act to protect Quail in the Territory of Montana have passed the Council & are transmitted that
H.B. 53 [illegible] to the fees of [illegible]

Railroads in Montana was read 3d time & lost & the Motion to reconsider was laid on the table

Respy
Harry R Comly
Chf Clerk

On motion of Mr McCormick the vote by which HB 2 was lost was reconsidered

On motion of Mr Sanders the vote by which CB 43 was passed was reconsidered

Mr Hamilton moved to suspend Rules & take up HB 52 "An act to amend an act concerning Licenses which motion prevailed.

The Bill was read a 3d time & passed by the following vote

Ayes- Barbour Beach Boardman Boyer
Combs Cornick Edwards Fergus
Hamilton Harrington McElroy Mead
Noyes Perkins Robinson Sanders
Stuart Sweeney Thorpe Wilson
Mr Speaker

Noes- Marion

Absent Fortis. McCormick Steele

Title agreed to

On motion of Mr. McCormick the Rules were suspended & HB 2 was taken up: Mr Edwards moved to amend by striking out Sec 11 & all following Sections amendments adopted & Clerk was directed to read bill in presence of the House

[illegible]

Ayes- Barbour Beach Boardman Boyer Brooke
Combs Cormick Edwards Fergus Hamilton
Harrington Mason McCormick McElroy
Mood Noyes Perkins Robinson Steele
Stuart Sweeney Thorpe Wilson
Mr Speaker.

Noes none

Absent Forbis

Title was amended to read "An Act to provide for refunding of the overdue bonds of Missoula County with accrued interest and for other purposes"

On motion House took a recess until 2 o'clock P.M.

2 o'clock P.M.

House resumed

Mr Speaker in the Chair

Roll Called Quorum present

Journal read & approved to this writing

The Enrollment Comt reported as follows

Mr Speaker

Your Joint Committee on enrollment beg leave to report that the following bills were presented to the Governor at 11.50 A.M. Feby 21st 1879

Viz-

"H.B. No 6 "An Act to require butchers to record brands"

H.B. 20 "An Act in relation to irrigation & water rights

H.B. 86 An Act to enable Meagher Co to remove the County Seat

bonds of Jefferson County
Forbis

C B 33 "An Act to provide for printing Marks & Brands with House amendments was read 3d time & passed by the following vote

Ayes- Barbour Beach Boyer Brooke
Cormick Edwards Fergus Harrington
Marion McCormick McElroy Mood
Noyes Perkins Stull Stuart
Sweeney Thorpe Wilson Mr Speaker 20

Noes- Robinson Sanders. 11

Absent- Boardman Combs Forbis
Hamilton

Title agreed to

H J M 13 Asking Congress to pass a
an enabling act for Montana Ty
was read 1st & 2d time Rules suspended
read 3d time by Title, and passed by
the following vote

Ayes- Barbour Beach Boyer Combs
Cormick Edwards Fergus Hamilton
Harrington Mood Noyes Sanders.
Stuart Wilson Mr Speaker 13

Noes- Boardman Brooke Forbis Marion
McCormick McElroy Perkins Robinson
Stull Sweeney Thorpe 11

Title agreed to

Mr Sanders reported as follows

Mr Speaker:

Your Select Committee to which was referred H.B. 97 A Bill for an act to create & improve highways in Montana have had the said Bill under consideration. It contemplates the payment by a county if more than a bare majority so desire

Taxes on the road & leaves to the electors the determination whether the advantages to be derived exceed the burdens to be borne. Your Committee do not think that it is the province of the Legislative Assembly to hold Montana in the bands of isolation which now so sorely restrain its energies and burden its industries & a majority of the Committee has prepared a substitute bill which we recommend be adopted and that as so amended the bill do pass

W F Sanders
Jas. Fergus
Steele
Beach
Stuart

Substitute reported was ~~as~~ adopted

Mr Robinson moved to amend as follows.

Amend by adding the following in lieu of Sec 9.

Sec 9. That nothing contained in this act shall be so construed as to in any manner exempt any of the property in this act named from assessment & taxation but all of said property shall be assessed to said owner thereof & the taxes collected from them or it in like manner as other property is assessed & taxed

The Amendment

the bill considered engrossed & read 3d time

Mr Sanders moved the previous question which motion prevailed & the ayes & noes being called the was passed as follows.

Ayes— Barbour Beach, Boardman
Brooks Combs Conner Fergus
McCormick McElroy Mead Noyes
Sanders Stuart Sweeney Wilson
Mr Speaker 16

Noes Boyer Hamilton Harrington
Marion Perkins Robinson Steell
Thorpe 8

Absent Edwards Forbis.

Title was agreed to

The following message was recd from the Council

Mr Speaker:

I am directed by the Council to inform the House that
HB 41 A Bill for an act to provide for the payment by Deer Lodge Co of certain expenses incurred during the Nez Perces war of 1877
HB 63 An act to amend Sec 48 of the Montana School law
HB 64 "A Bill for an act fixing the rate of toll for grinding grain"

HB 69 An act prescribing the duties of certain officers & prescribing a penalty for non-performance of these duties and
C R 2 In relation to Clerks have
d the Council & are transmitted

the laws of Montana Ty in relation to deceased persons &c & C B 37 In relation to printing were lost

Resp'y
Harry R Comly
Chf Clerk

Also as follows

H.B. 20 "An act to provide for the taxation of the proceeds of mines" has passed the Council & is transmitted. also H.B. 38 "An act to amend the Helena Incorporation act" passed & amended

Resp'y
H.R. Comly
Chf Clerk

H.B. 41.
H.B. 63-64-69. transmitted with message as above were ordered enrolled

Council Amendments to H.B. 38 was concurred in & Bill & Amdts ordered enrolled

C.J.R. 2 In relation to Clerks was read 1st & 2d time & Mr Robinson moved to amend as follows

After Gilbert add Geo D.C. Hibbs "five dollars": amendment was adopted & ordered engrossed in presence of House, which was done accordingly and under a suspension of the Rules. Res was read 3d time & passed by the following vote

Ayes - Barbour Beach Boardman Boyer Brooke
Combs Cornick Edwards Fergus Forbis
Hamilton Harrington Marion McCormick
McElroy Mead Perkins Sanders Steele Stuart
Thorp Wilson Mr Speaker

Noes none

[illegible]

The Enrollment Committee reported as follows

Mr Speaker

Your Joint Comt on Enrollment has examined and Compared the following bills and find the same correctly Enrolled. to wit:

H.B. 85

An act authorizing surveyors & U.S. Deputy Mineral Surveyors to perform certain acts

H.B. 42

An act to provide compensation for the Clerks of the District Court Fees

Mr Speaker announced that he now was about to sign H.B. 85 also H.B. 42

Ways & Means Comt rept^d as follows

Mr Speaker

A majority of Ways & Means Comt. beg leave to report H.B. 90 an act defining assessable property with the following amendments

Add to Sec One

Twentieth The Personal Wardrobes of all persons

21 – One Gun to each family

22 – All Growing crops

23 – All Academies

24 – All Seminaries

With the above Amendments we do advise that this bill pass.

McCormick

Edwards

Amendments reported by Committee on HB 90 were adopted.

Mr Marion moved to amend as follows

Strike out all of lines 9 & 10 & insert in lieu thereof the following

Churches Chapels and Equipments thereto & therewith provided rent is not paid for such ground so long as the same is used for that purpose only without yielding rent

Which Amendment was lost

Mr Hamilton moved the following Amendment

Churches, Chapels & Equipments & the lots of ground appurtenant thereto & therewith provided rent is not paid for such ground, so long as the same is used for that purpose only without yielding rent

The buildings & lots of ground appurtenant thereto & used therewith owned & used by the Order of Free & Accepted Masons the Independent order of Odd Fellows or by any benevolent or charitable society, if no rents are derived therefrom

Upon the question of the adoption of the amendment the Ayes and Noes were called & amendment adopted by the following vote

Ayes – Barbour Brooks Combs [illegible]
Fripps Hamilton Marion
Robinson Sweeney 1[illegible]
[illegible]

Absent - Birch - Edwards

Bill was ordered Engrossed

C.B. 36 "An Act reapportioning Members of the Legislative Assembly" was on motion made special order for 7 o'clock P.M.

Committee on Territorial affairs reported as follows

Mr Speaker:

Your Com't on Territorial Affairs to whom was referred C. J. R. 1. In relation to the appointment of a commissioner to examine the condition of the indigent insane of the Territory

Having had the same under consideration Your Committee would recommend the following amendments

Strike out Semi-annually where it occurs & insert in lieu thereof bi-monthly

Add to said resolution the words "but such Physicians shall not be either directly or indirectly interested in the contract for the maintenance of the Insane, and shall not receive to exceed fifty Dollars for each of said visits, Nor shall said visits exceed in number six in each Year and no further contract for the maintenance of the indigent or other insane shall extend for a period of more than ninety days beyond the close of the next regular Session of the Legislative Assembly" Your Comt

[illegible]

would recommend that it do pass with said amendments

Sweeney
Chmn

Under a suspension of the Rules H.B.7 "an act to fix Jury fees" was taken up, read 3d times

Mr Sanders moved a recess until 7 o'clock which motion was lost

Hamilton moved the previous question which motion being sustained the bill passed by the following vote

Ayes- Barbour Boyer Brooke Combs Fergus Forbis Hamilton Marion McCormick McElroy Mood Noyes Perkins Robinson Steele Stuart Sweeney Thorpe Wilson

Noes- Boardman Cornick Edwards Harrington Sanders Mr Speaker

Absent- Beach

C.B. 44 "An act to prevent unlawful interference with private rights & private property" was read 1st & 2d time & under a suspension of the Rules read 3d time & passed by the following vote

Ayes- Barbour Beach Boardman Boyer Brooke Combs Cornick Edwards Fergus Forbis Hamilton Harrington McCormick McElroy Mood Noyes Perkins Robinson Sanders Steele Stuart Sweeney Thorpe Wilson Mr Speaker

Noes- none

Absent Marion

On motion of Mr Sanders laid upon the Table

The following Message was rec'd from the Council

Mr Speaker!

I am directed by the council to inform the House that: H B 76 An act requiring certain officers to report

H B 96 An act concerning the election of Officers of Corporations have passed the Council and are transmitted

That the following bills have been passed under a suspension of the Rules

H B 79 "An act to provide for the incorporations of religious benevolent and other associations"

C J M 13 "Asking Congress to pass an enabling act for Montana Territory"

and

C. B. 48 "An act to provide for the transportation of convicts from County Jails to the Penitentiary"

That

H B 82 "A Bill to exempt calves from taxation"

and

H B 49 "An act to provide for submitting the question of calling a convention to frame a State Constitution have laid upon the table"

Respectfully
Harry R Comly
Chf Clerk

Also the following

Mr Speaker:

I am directed by the Council to inform the House that:

under a suspension of the rules H.B. 95 "An act to encourage the manufacture of Sugar in the Territory of Montana" has passed the Council and is transmitted

Respectfully
H. R. Comly
Chf Clerk

H.B. 95. 76. 96. 79 & H.J.M. 13 transmitted with above message were ordered enrolled

C.B. 45 An act to protect Quails in the Territory of Montana read 1st & 2d time & under a suspension of the Rules read 3d time & passed by the following vote.

Ayes- Barbour. Beach. Boyer. Brooke. Combs. Cornick. Edwards. Forbis Harrington. Marion. McCormick McElroy Mead. Stuart. Sweeney. Wilson Mr Speaker.

Noes. Boardman. Fergus. Hamilton Robinson. Sanders Still Thorpe.

Absent- Noyes. Perkins. Sanders.

Title was agreed to

H.J.M. 6 asking Congress to pass an enabling act for Montana Territory was read 1st & 2d time & under a suspension of the Rules Read 3d time & passed by the following vote

Ayes Barbour Be

McCormick McElroy Mead Perkins
Sanders Steele Sligar Sweeney
Thorpe Mr Speaker

Noes. None

Absent Noyes Robinson Wilson

Title was agreed to

On motion House took a recess until 6½ o'clock P.M.

House resumed
Mr Speaker in the Chair
Roll called Quorum present

Journal approved to this writing

House B 80 An act to amend an act entitled an act providing for the Collection of Revenue approved Jan 12th 1872 was read 3d time and passed by the following vote:

Ayes - Barbour Beach Boyer Brooke
Coombs Edwards Fergus Hamilton
Herrington Marion McElroy
Mead Noyes Robinson Sanders
Steele Stewart Sweeney Wilson
Mr Speaker.

Noes - Perkins.

Absent Boardman Cormick Foster
Thorpe

Committee on Territorial Affairs reported as follows

Mr Speaker

Your Committee on Territorial Affairs to whom was referred Substitute for Council Bill No 21 "an act concerning Fire Insurance companies & Agents" beg leave to report (by inserting the following amendments) that it do pass.

Amend Sec 4 by striking out the word "principal" from line 10

Also strike out the word "ten" in line 11 and insert in lieu thereof the words seven dollars & fifty cents, and strike out all of Sec 4 after the word County in line 21.

Sweeney
Chmn

Amendments reported were adopted

C.B. 48. "An act to provide for the transportation of criminals from County Jails to the Penitentiary" was read 1st & 2d time. Rules suspended read 3d time & passed. as follows

Ayes—
Barbour. Beach Boardman. Boyer.
Brooke. Combs. Cimick Edwards
Fergus Hamilton Marion McElroy
Mead Noyes Perkins Robinson
Sanders. Steel, Stuart. Wilson

Noes Mr Speaker.

Absent Tuffs McCormick Thorpe
Warrington [illegible]

C.B. 47 An Amendment to the Code of civil procedure in relation to the taxation of costs in Civil cases was read 1st & 2d time and referred to Judiciary Committee

Committee on Engrossement reported as follows.

Mr Speaker

Your committee on engrossment has examined and find correctly engrossed amendments to Substitute to C.B. 21 concerning Fire Insurance companies and agents

Harrington

C.B. 21 "An act concerning Fire Insurance companies & Agents with amendments was read 3d and passed by the following vote,

Ayes Barbour Beach Boardman
Boyer Brooke Combs Cornick
Edwards Fergus Hamilton
Harrington McElroy Noyes
Perkins Robinson Steell
Stuart Sweeney Wilson
Mr Speaker

Noes Sanders

Absent Forbis Marion McCormick
Mood Thorpe

Title was agreed to

C B 36 "An act reapportioning Members of the Legislative Assembly. Special order for 7 o'clock PM was deferred to 8 o'clock

C B 39 "An Act to enable the Co Com to intelligently settle with Co Treasurer was read 3d time and lost as follows.

Ayes. Harrington Stuart Mr Speaker.

Noes. Barbour Beach Boardman Boyer Brooke Combs Cormick Fergus Forbis Hamilton McElroy Mead Noyes Perkins Robinson Sanders Steell Wilson

Absent - Edwards McCormick Sweeney Thorpe.

Engrossment Com reported as follows

Mr Speaker:
Our Com on engrossment have examined & find correctly engrossed amendments to Substitute for C B 39 An act to enable the county commissioners to intelligently settle with Co Treasurers.

Harrington

Also as follows

Mr Speaker:
Our Com on engrossment have examined & find correctly engrossed H B 89 an act in relation to fences

Harrington

Mr [illegible]

diseased animals" Also HB 79 An act to provide for incorporations of Religious Benevolent & other associations

Engrossment Comt reported as follows

Mr Speaker:
Your Comt on Engrossment have examined & find correctly engrossed HB 51 an Act concerning Crimes & punishments
Harrington

On motion of Mr Sanders the bill was recommitted to Engrossment Comt

Enrollment Comt reported as follows
Mr Speaker
Your Joint Comt on enrollment beg leave to report the following Bills correctly enrolled viz

HB 20 "An act to provide for the taxation of the proceeds of mines

HB 79 An act to provide for the incorporation of religious benevolent & other associations
Forbis

HB 13 "An act concerning diseased animals"

HB 76 "An Act requiring certain officers to report

HB 83 An act to protect Bison in certain Counties in Montana Territory

HB 75 An act in relation to Insane

H B 92 "An act providing for a County Jail at Butte City Deer Lodge Co

also H J M 13 Asking Congress to pass an enabling act for Montana Territory

Forbis

Mr Speaker announced that he was now about to Sign H B 75. 76. 83. 92. and H J M 13 reported as above by enrollment Comt.

H B 89 "An act in relation to fences & inclosures" was read 3 time & passed by the following vote

Ayes Barbour. Beach. Boardman. Boyer
Brooke. Combs Cornick. Fergus
Harrington McElroy Mood Noyes
Perkins Robinson Sanders Steele
Steward Thorpe Wilson
Mr Speaker

Noes Forbis Harrington

Absent Edwards Marion McCormick
Sweeney

Title was agreed to

Mr Fergus offerd the following:

Resolved. "That the thanks of the House are due & are hereby tendered to the Hon Samuel Word for the able, impartial & courteous manner in which he has discharged the duties of Speaker during the present session

Res— Unanimously adopted by ~~members rising in their seats and voting Aye as their names were called~~

Mr. W. [illegible]

reported as follows

Mr Speaker
Your Comt on engrossment have examined & find correctly engrossed H.B. 54 an Act to amend an act entitled an act concerning crimes & punishment.
Harrington

Bill reported, was, under a suspension of Rules read 3d time & passed by the following vote

Ayes - Barbour. Boardman. Brager. Brooks
Combs Fergus. Forbis Hamilton
Harrington McElroy. Mood
Noyes. Perkins. Robinson. Sanders
Steell. Stuart. Wilson
Mr Speaker.

Noes - none -

Absent - Beach. Cornick Edwards
Marion McCormick Sweeney
Thorpe.

Title was agreed to

The following message was recd from the Council

Mr Speaker:
I am instructed by the Council to inform the House that:

House amendments to CJR No 2 has been concurred in & the Resolution ordered Enrolled

That HB 2 under a suspension of the rules has passed the Council also H 32 For relief of W F Sanders & W E Cullen

Resp Yrs R Comly

Enrollment Comt. reported as follows

Mr Speaker;

Your Joint Comt. on Enrollment hereby report the following bills correctly enrolled

H B 93 An act to authorizing the Probate Judge of Deer Lodge Co. M.T. to convey certain property.

H B 73. An act to pay certain Indebtedness

H B 64 An act fixing the rate of toll for grinding grain

also
H J M. 12
Also C B No 83

Forbis

H B 37 under a suspension of the rules was ~~considered~~ ordered enrolled

Speaker announced that he was now about to sign H Bs 64, 73. 93. ~~37~~ and H J M. 12 reported as above by Enrollment Committee

C B 36. Special order for 8 o'clock being before the House Mr Sanders moved to indefinitely postpone the bill upon which motion the ayes & noes were demanded when the motion was lost as follows

Ayes- Fergus. Hamilton Harrington
Steell Stuart

Noes. Barbour. Beach Boardman Boyer
Brooke. Combs Cormick Edwards
Forbis Marion McCormick McElroy
Mood Noyes Perkins Robinson
Sanders Sweeney Thorp Wilson
Mr Speaker,

Comt on Engrossment

Mr Speaker;

Your Comt on engrossment have examined & find correctly engrossed amendments to HB 90 a bill for an act defining assessable property and

HB 65 a Bill for an act to amend Sec 3 of an act to authorizing the holding of County Teachers Institutes

Harrington

Journal approved to this writing

Enrollment Comt reported as follows;

Mr Speaker;

Your Joint Comt on enrollment presented the following bills to the Governor at 9.05 P.M. Feby 21. 1879 towit;

HB 75 an act in relation to insane convicts

HB 76 "An act requiring certain officers to report

HB 92. An act constituting certain Buildings County Jails

HB 85 An act authorizing Surveyors & U S Dep Min Surveyors to perform certain acts

HB 42 An act to provide compensation for the Clerks of the District Courts

HB 83 an act to protect Bison in certain Counties in Montana Ty.

HB 20 An act to tax the proceeds of mines

HB 3[illegible] [illegible] to [illegible] [illegible] for the incorporation [illegible] [illegible]tions

HB 13. An act in relation to deseased animals
also
CB 33. An act to provide for printing Marks & Brands

Forbis

HB 90. An act defining assessable property was read 3rd time and passed by the following vote

Ayes Barbour Beach Boardman Boyer Brooke Combs Cornick Edwards Fergus Hamilton Harrington Marion McCormick McElroy Mood Robinson Sanders Steele Stuart Wilson

Noes Sweeney. Thorpe. Mr Speaker

Absent Forbis Noyes Perkins

Title agreed to

Enrollment Comt reported as follows
Mr Speaker;
Your Joint Comt on enrollment beg leave to report the following bills correctly enrolled viz;

HB 95 An act to encourage the the manufacture of Sugar in M.T.

HB 96 An act concerning Corporations

CJR 2.

Forbis

Mr Speaker announced that he was now about to sign
HB 95. 96. & CJR 2

The Engrossment Comt reported as follows

Mr Sp [illegible] Y [illegible] [illegible]

Mr Speaker:

Your Comt on engrossment have examined & find correctly engrossed house amendments to C J Res 1 in relation to the appointment of a Commission to examine the condition of the indigent insane of the Territory

Harrington

C J R 1 was read 3d time & passed by the following vote:

Ayes— Barbour Beach Boardman Boyer
Brooke Combs. Conrick Edwards
Fergus. Forbes Hamilton Harrington
Marion McElroy. Mard. Robinson
Sanders. Stull Stuart Sweeney
Thorpe. Wilson Mr Speaker

Noes None

Absent McCormick. Noyes. Perkins.

Title agreed to

The following message was recd from the Council

Mr Speaker—

C.B. 29. An act to provide for the codification of the General laws of Montana Territory has been returned without the Governors approval and the Council proceed to reconsider the same and the question shall the bill pass the Governors objections to the contrary notwithstanding prevailed by more than a two thirds vote and the bill & message is transmitted for the action of the House

Resp'y

Henry R Comly
Ch'f Clerk

On motion of Mr Sanders the vote on the bill transmitted was reconsidered & the question being shall this bill pass the objections of the Governor to the contrary notwithstanding. The bill was so passed. by the following vote

Ayes - Barbour. Beach. Boardman Combs
Cornick Edwards. Fergus Forbis
Hamilton Harrington Marion
McElroy Mood. Noyes. Perkins
Robinson Steell Sweeney. Thorpe
Wilson Mr Speaker. 21

Noes - Boyer. Brooke McCormick
Sanders Stuart 5

HB 91. An act to legalize the action of school District No 7 in Gallatin Co Montana Territory

Under a suspension of the rules was read 3rd time & passed by the following vote

Ayes - Barber Beach Boardman Boyer
Brooke. Combs Cornick Edwards
Fergus. Forbis Hamilton Harrington
Marion McElroy Mood Noyes
Perkins Robinson Sanders
Steell Stuart Sweeney Thorpe
Wilson Mr Speaker.

Noes none
Absent McCormick

Title was agreed to

CB 36. An act reapportioning the Members of the Legislative assembly having under consideration [illegible]
to amend

of Sec 2 of bill the words to the Counties of Jefferson & Gallatin jointly One member.

Strike out the words to the County of Jefferson One member and insert in lieu thereof the words To the County of Jefferson Two members.

Brooke

Which amendment was lost — and the Ayes & Noes being called the Bill was lost by the following vote

Ayes – Barber Boardman Bayer
Comly Cormick. Forbes Marion
McCormick McElroy Mood
Noyes. Robinson Mr Speaker 13

Noes – Beach Brooke Edwards Hamilton
Fergus. Harrington Perkins Sanders
Steell Stuart Sweeney Thorpe
Wilson 13

On motion the House took a recess until 10.30. oclock P.M.

10.30. P.M.

House resumed

Mr Speaker in the Chair

Roll called Quorum present.

Journal read & approved to this meeting

The following communication from the Governor was received

Territory of Montana
Executive Department
Helena February 21 1879

Hon Samuel Word
Speaker of the House of Representatives
Sir

I have the honor to inform the House of Representatives that I have approved and signed the following Bills to wit.

H. B. No 12 entitled an act prescribing a bounty for the destruction of certain animals.

H. B. 48 Entitled An act to provide for the keeping of the records of the district courts at the county seats of the counties where such courts may be held.

H. B. 35. Entitled an Act to amend an act concerning crimes and Punishments.

H. B. 45. Entitled an act authorizing Assessors to appoint a deputy.

H. J. R. 5 Referring to information concerning Montana.

H. B. 22 Entitled an Act to establish and regulate the fees of Assessors.

H. B. 6. Entitled an Act to compel Butchers to record brands.

H. B. 25. Entitled an Act to amend an act in relation to Irrigation and water rights

H. B. 43 Entitled an act to pr [illegible] for the payment [illegible] certain [illegible]

H. B. 92 Entitled An Act providing for a County Jail at Butte city Deer Lodge County,

H. B. 20 Entitled An act to provide for the taxation of the proceeds of mines

H. B. 83 Entitled An Act to protect Bison in certain counties in this Territory

H. B. 42 Entitled An act to provide compensation for the Clerks of the District Courts

H. B. 75 Entitled An act in relation to insane convicts,

H. B. 76 Entitled An act requiring certain officers to report

H. B. 13 Entitled an act concerning Diseased animals

H. B. 79 Entitled an act to provide for the incorporation of religious, Benevolent and other Associations,

Respectfully
B. F. Potts.

Mr Stuart offered the following

Resolved that the thanks of the House of the Legislative Assembly are tendered to the Revd M. N. Gilbert for the dignified & eminently appropriate manner in which he has officiated as chaplain during the Eleventh Legislative Assembly.

Which Resolution was unanimously adopted follows

Mr Speaker

The following bills were delivered to the Governor at 10 25 PM Feby 21 1879.

H B 64 An act fixing the rate of toll for grinding grain

H B 73. an act to pay certain indebtedness

H B 93 an act to authorize the Probate Judge of Deer Lodge County M.T. to convey certain property

Forbis

Also as follows

Mr Speaking

Your Joint Comt on enrollment beg leave to report the following bills correctly Enrolled viz

H B 38 An act to amend the Helena Incorporation Act

H B 41 An act to provide for the payment by Deer Lodge County of certain expenses during the Nez Perces war of 1877.

H B 32. An act to pay for certain legal services

H B 2 An act to provide for the refunding of the overdue bonds of Missoula Co with accrued interest & for other purposes

H B 77. An act to establish a public highway in Township 11 Lewis & Clark Co. H B 69 An act prescribing the duties of certain officers &c

H B 63 An act to

Mr Speaker announced that he was now about to sign H B 69
H B 38.
H B 32 - 41 - 77 - & 63

Mr Sanders offered the following

Resolved that a Committee of 2 be appointed by the Chair to wait upon His Excellency the Governor in Company with a like committee on the part of the Council & ask him if he has any further communications to present to the Legislative Assembly

Res was adopted & Mr Speaker designated as such Committee Messrs Sanders & Thorpe

Mr Marion offered the following Res That a vote of thanks is hereby tendered to J E Lanouse S C Gilpatrick J H Kemper F Gilbert H Hardenbrooke J Clark & B L Roberts officers of the House of Representatives for their uniform courtesy to the members of this House & the faithful discharge of their duties

Marion

The Res was unanimously adopted

H B 50 under a suspension of the Rules was considered Enrolled

~~Enrolling Cmt repd as follows~~

Mr Sp [illegible] 1 Sept on

Enrollment beg leave to report that the following bills were delivered to the Governor at 11.30 P.M. Feb 21 1879

HB 2 - 32 - 63 - 77 - 96 - 95 - 41 - 69 - 38
& CJR 2   Forbis

The following from the Council was rec'd
Mr Speaker;
CB 1 An act concerning Limitations was laid on the table.

HB 52 An act to amend an act concerning Licenses was indefinitely postponed

HB 55 An act to amend an act entitled an act to provide a Code of Civil procedure in the Territory of M.T. has passed the Council also HB 68 an act regulating the fees & duties of Co Com as amended have passed the Council

HB 14 An act to prescribe a day of rest and

HB 11 have been indefinitely postponed

Resp
A R Comly
Chf Clerk

The Enrollment Comt reported as follows,
Mr Speaker
The following Bills are correctly enrolled
CB 46 - 44 - 48 - 21

Speaker announced that he was now about to sign

CB 21-44-45-48,

Journal read & approved to this date

Enrollment Comt reptd as follows

Mr Speaker.

Your Joint Comt on Enrollment beg leave to report that the following Bills were presented to the Governor at 11.40 P.M. Feby 21 1879

CB 21-44-45-48

The following message was recd.

Montana Territory
Executive Department
Helena Feby 21 1879

Hon Sam Word.
Speaker of the House of Representatives

Sir

I have the honor to inform the House of Representatives that I have this day approved and signed the following bills to wit: H B No 93. Entitled an Act to authorize the Probate Judge of Deer Lodge County Montana Territory to convey certain property" H B No 64 Entitled an Act fixing the rate of Toll for grinding grain" H B No 73 Entitled an Act to pay certain indebtedness; H B No 95 Entitled An Act to encourage Manufacture of Sugar in the Territory of Montana H B 41 Entitled an Act to provide for the [illegible] by Deer Lodge County of certain expenses [illegible] War of 1877 H B No 7 Public Hwy [illegible]

An Act prescribing the duties of certain officers and prescribing a penalty for non performance of their duties. H B No 63 Entitled An Act to amend Sec 48 of the Montana School Law" H B 32 Entitled An Act to pay for certain Legal services H B No 38 Entitled an Act to amend the Helena Incorporation Act" H B No 2 Entitled an Act to provide for the refunding of the over due bonds of Missoula County with accrued interest and for other purposes

Respectfully
B F Potts

On Motion the House of Representatives of the 11th Legislative Assembly adjourned Sine Die

Attest
Jas. E. Kanouse
Chief Clerk

Samuel Word
Speaker House Representatives

A